

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
MEETING
April 21, 2011**

The West Orange Zoning Board of Adjustment held a regular meeting on March 17, 2011 at 8:00 PM at 66 Main Street, West Orange, NJ in Council Chambers.

Chairman Bruce Buechler called the meeting to order at approximately 8:03 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 December 17, 2010 in accordance with the "Open Public Meetings Act."

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

PRESENT: Bruce Buechler, Gregory Bullock (8:07 P.M.), Deborah Gabry, Philip D. Neuer (8:44 P.M.), Bart Quentzel (8:11 P.M.), Peter Ricci, Mark Sussman, Alice Weiss

ABSENT: William Steinhart

ALSO PRESENT: Planning Director: Susan Borg, A.I.C.P., P.P., A.I.A.
Board Attorney: Alice Beirne, Esq.
Public Advocate: Harvey Grossman, Esq.
Township Consulting Engineer: Eric Keller
Board Secretary, Rose DeSena

ANNOUNCEMENT OF FUTURE MEETING DATES

Future Meetings: May 19, 2011 (Regular Meeting) - 8:00 P.M.
June 16, 2011 (Regular Meeting) - 8:00 P.M.
July 14, 2011 (Regular Meeting) - 8:00 P.M.

Township Professionals, Planning Director Susan Borg and Township Consulting Engineer Eric Keller were sworn under oath.

MINUTES

Adopt Minutes: March 17, 2011 Regular Meeting

Motion was made by Ms. Gabry to adopt the minutes and Mr. Bullock seconded. The Minutes of the regular meeting of March 17, 2011 were adopted unanimously.

RESOLUTIONS

ZB-10-15A-2/JF Holding Company, LLC

Block: 155; Lots: 40.03 & 40.04; Zone: P-C/OB-1

Rooney Circle

Approving the preliminary and final site plan with “C” and “D” variances

Correcting typographical error – prior resolution adopted 2/3/11

A motion to adopt Resolution ZB-10-15A-2/JF Holding Company made by Mrs. Weiss and seconded by Mr. Sussman.

Bullock:	Yes	Ricci:	Yes
Gabry:	Yes	Steinhart:	Absent
Neuer:	Absent	Sussman:	Yes
Quentzel:	Absent	Weiss:	Yes
		Chairman Buechler:	Yes

ZB-10-12/Congregation Beth Israel

Block: 176.19; Lots: 5 & 6; Zone: R-6

565-567 Pleasant Valley Way

Approving the amendment to ZB-05-64 for using asphalt instead of pavers

Revised resolution not adopted – application approved on 2/10/11

Director Borg stated that she has to set up a meeting with Mr. Eisenberg and this resolution be carried over to the May 19th meeting for adoption.

ZB-10-17/Villita Artes, LLC. (HANDS)

Block: 27; Lot: 43; Zone: B-1

555 Valley Road

Approving the amended site plan for a change to the previously approved signage

Application approved on 3/17/11

Add other users of the site to the resolution.

A motion was made by Mrs. Weiss to adopt Resolution ZB-10-17/Villita Artes; Mr. Sussman seconded and voted upon as follows:

Bullock:	Yes	Ricci:	Yes
Gabry:	Yes	Steinhart:	Absent
Neuer:	-	Sussman:	Yes
Quentzel:	Yes	Weiss:	Yes
		Chairman Buechler:	Yes

ZB-10-20/Team Capital Bank

Block: 153.13; Lot: 33; Zone: B-2 and R-6

464 Eagle Rock Avenue

Approving "C" and "D" variances to construct a bank

Application approved on 3/17/11

Chairman Buechler commented that the changes for the sign in the amended plans were missing in the resolution.

Alice Beirne stated those changes were in the resolution on page 7.

Mr. Bullock made a motion to adopt Resolution ZB-10-20/Team Capital Bank; Ms. Gabry seconded and voted upon as follows:

Bullock:	Yes	Ricci:	Yes
Gabry:	Yes	Steinhart:	Absent
Neuer:	Yes	Sussman:	Yes
Quentzel:	Yes	Weiss:	-
		Chairman Buechler:	Yes

APPLICATIONS

- ZB-09-01/MBP, Inc. (Essex House)**
(Application Carried from 2/10/11)
 Block: 159.04; Lots: 1.01, 1.02, 1.03; Zone: B-2
 525 Northfield Avenue
 Seeking amended site plan approval with "D" and "C" variances

EXHIBITS

- B-1 Photo Package (20 pages) Bosco's pictures
- B-2 Chart and Overlay (colored) Bosco exhibit
- A-25 William's Variance List

Chairman Buechler stated that at the end of the last hearing there were two people left for public comment.

Christine Bosco approached the podium and was sworn in. She stated she lives at 4 Masson Place and that her property is 25 feet away from this site. Chairman Buechler asked what she was handing out. She stated they were pictures she took. Chairman Buechler asked if she had altered these pictures in any way; Ms. Bosco stated she had not. Mr. Neuer asked how many photos were in the package; Ms. Bosco stated she did not count them. Chairman Buechler stated that Ms. Bosco stated that she took all of the photos in the package but the over-lays were not taken by her. Chairman Buechler stated photos 1-14 were taken by her and entered them in as **exhibit Bosco 1**. He stated that the

Google map would not be included in evidence. Chairman Buechler asked if the transparency was hers; Ms. Bosco stated yes. He entered the chart and covered overlay into evidence as **exhibit Bosco 2**.

Ms. Bosco stated that the site plan is an over build- out of what the town allows. Her concerns were about cutting into the boulders and how the vibration will affect her house. She stated that she understands there needs to be a retaining wall put up but that the existing one works.

Ms. Bosco stated a concern about the roots of the trees being cut down and possible sink holes created from this because the trees are right up against her fence.

She also stated that a geological study should be done and soil samples should be taken when constructing the slope.

She stated that 19' is very high for a retaining wall and she is not happy with the fence going around it. She stated she is concerned about traffic and is worried about the school children.

She expressed her concern about a light being placed on the utility pole which would shine on the back of her house.

Ms. Weiss asked Eric Keller about the lighting and said she thought they mentioned changing the lights in the back so they would be lower and shielded and directed downward. She requested making it a condition that any existing floodlights be removed. Harvey Grossman stated he thought there was not a problem with the retaining wall and the proposal was adequate. One issue he did have was the pick up and drop off of the children at St. Cloud School. He thought they should restrict egress onto Sheridan during that time.

Mr. Neuer stated they can not be anymore specific then it specifies now and point was well taken.

Chairman Buechler closed public comment.

Chairman Buechler asked Robert Williams if there was anything else; Mr. Williams passed around a list of all the exhibits to the board. He gave the board a list of conditions of approval and a variance list.

Mr. Neuer asked if all 8 conditions were agreed to; Mr. Williams answered yes that the applicant is prepared to accept them.

There was a brief summation from Mr. Williams. He stated that the application has been around for a long time and he said he thinks this is a reasonable development of the property and the Township will benefit from it. He also stated that it will revitalize the area and that they have enhanced the site; every traffic expert agreed it works and is safe.

Chairman Buechler asked what his view was on comments from Ms. Bosco about materials on the retaining wall. Mr. Williams said he is not familiar with redi-rock, but it will compliment the site as proposed.

Chairman Buechler called for a recess at 9:45pm

The meeting was called back to order at 9:52pm by Chairman Buechler.

DISCUSSION:

Mr. Bullock stated that this application is very unique and discerning because of the distance to the school. The School Board agreed to conditions with the developer, but it will take particular care to make it work.

Chairman Buechler questioned if Kiddie Care Academy would still be there and Mr. Williams stated that they are still considering it. Mr. Neuer stated that they are asking the Board to approve the application with Kiddie Care Academy, but if they do not come in they will have to come back in front of the Board. Mr. Williams stated they will agree to have some sort of Day Care center there.

Mr. Ricci stated the school was his biggest issue and what happens to the children. It has been put to rest in his mind because the Board of Education is happy with it and so is he. He stated the hardest thing about this application is seeing the restaurant go and a day care put there because the old building had so much character. The neighbors behind the location have been an issue but change is good and they will realize how great this will be. He also stated that he thinks the look of the building will blend in well.

Ms. Weiss stated that she would like to see as many trees in front of 2 Masson Pl. and 4 Mason Pl. She also stated that she would like to require a condition for the residents at 2 and 4 Masson Place to meet with Director Borg and discuss a landscaping plan.

Mr. Neuer stated neighbors represented themselves proudly and had an impact on him. His concern with the application had to do with the size of the project but he is going to urge the Board to approve the application because the neighborhood will be improved. He went on to say that the Board has to follow the land use law and they make their decisions based on this law and if it has met its burden they have to approve. He stated that the retaining wall and slope improvements will benefit everyone. The list of conditions that Mr. Williams submitted will include that the Kiddie Care Academy has to be removed and it will say there shall be a space designated for a day care and that the neighbors will meet with Ms. Borg to discuss landscaping plan.

Mr. Neuer stated he will make a motion to approve as per these conditions

Chairman Buechler stated that all of the testimony of traffic experts convinces him this will work as stipulated in the application. He went on to say that they have to rely on Mr. Keller's report which says the retaining wall and slopes will work.

He will vote to approve the application with the conditions that the exterior of the new building must match the existing and there will be no vinyl siding; no storage in the attic space of any of the buildings; a one year warranty for replacement of new trees planted will be imposed by the Board.

Ms. Borg commented that the applicant was very cooperative and commended them.

CONDITIONS:

1. All pole lighting in front and rear areas shall be 12' poles with 2' fixture for a total of 14 ' using 150 watt metal halide with a downward flow.
2. There shall be a space designated for a day care facility.
3. Add additional fire hydrant at entrance on Northfield Avenue

4. No left turn out of Northfield Avenue exit at any time and no right turns onto Sheridan between 8-9am & 3-4pm school days only.
5. All conditions as agreed to in the January 5, 2011 memorandum to the West Orange Board of Education is as stated except ends from 3-4pm when school days are in session.
6. An application shall be made for amended site plan for St. Cloud School for the changes to the teacher parking area, if required.
7. An application shall be made to the Town Council to move the traffic signs for the school buses on Sheridan Avenue 10' to the north subject to Town Council approval.
8. Day care hours shall be limited to Monday through Friday.
9. Director Borg will meet with residents of 2 and 4 Masson Place to develop a landscape plan.
10. Consolidation of all lots.
11. Exterior of the building must match the existing one and no vinyl siding used.
12. No storage in the attic space of any building.
13. One year warranty for replacement trees.
14. Flood lights removed when new parking lights are functional.
15. Restripe crosswalk
16. Change the trim pieces to Alzak
17. Plant Virginia Creeper on the wall
18. Chain link fence with black vinyl clad on all pieces of the fence
19. Retaining wall calculations prepared by a licensed engineer
20. All walls over 4' high

A motion was made by Mr. Neuer to approve this application; Mr. Sussman seconded and voted upon as follows:

Bullock:	Yes	Ricci:	Yes
Gabry:	-	Steinhart:	Absent
Neuer:	Yes	Sussman:	Yes
Quentzel:	Yes	Weiss:	Yes
		Chairman Buechler:	Yes

2. ZB-11-01/Patin

(Application Carried from 3/17/11)

Block: 165.02; Lot: 5; Zone: R-4

6 Dogwood Road

Seeking "C" variance for an undersized lot to construct a single family dwelling

Mr. Neuer started off this discussion by stating that this Board is not to hear this application because the applicant did not include the second lot (lot 5) in the application and did not notify the residents within the 200' radius of that lot.

Mr. Sussman asked if there is a question of ownership of the lot. Alice Beirne stated that the tax assessor only mentions lot 5 but cross references lot 4 and 5. Director Borg stated lot 4 needs a variance. Mr. Neuer stated that the application has to be "cleaned up" and will need a variance for lot 4; Lot 5 is acceptable but if you need egress to lot 4 then there is no application for that lot.

Chairman Buechler said to adjourn until the applicant submits the second application. Mr. Neuer suggest that he withdraw the application. Director Borg said because the lot is in the name of a corporation, he will need an attorney because he is an LLC.

Application will be carried over to 5/19/11 regular meeting. Mr. Patin signed a consent to continuance form.

3. ZB-11-03/Gomes

(Application Carried from 3/17/11)

Block: 152.22; Lot: 1424.17; Zone: R-5

29 Kenz Terrace

Seeking "C" variances to add a front covered portico, add a deck to the rear and a second floor addition

EXHIBITS:

A-1 Photos of homes in the neighborhood

A-2 Sheet A-2, Elevations

A-3 Sheet L-1, Landscape Plan

Chairman Buechler asked the first witness to approach.

Peter Cooper approached the podium and was sworn in. He stated he was the architect for this project. Chairman Buechler asked if he was licensed in the State of New Jersey and Mr. Cooper responded yes. Chairman Buechler accepted his credentials. Mr. Cooper went on to say that this involves a renovation which includes adding a front covered porch, proposed deck to the rear and side yard set back. Chairman Buechler stated if there are four bedrooms will there only be two bathrooms; one on the first floor and one on the second floor? Mr. Cooper stated there will be three bathrooms.

Mr. Cooper went on to say how the house is a small cottage in a neighborhood where the trend is for larger houses and showed photos of the homes in Exhibit A-1. Chairman Buechler asked if the lot sizes were the same size as the applicant and Mr. Cooper pointed out house #28 in photo #3 is the same size.

Mr. Cooper said their lot size is substantially undersized and any addition would protrude into their setbacks.

Mr. Cooper pointed out the elevations on exhibit 2. He explained how the house needed a profile change and went on to describe the architectural details of the proposed new profile. He stated that the house is an attractive addition and asset to the neighborhood.

Chairman Buechler asked if there were any questions. Mr. Ricci asked what kind of siding they will be using and Mr. Cooper stated vinyl.

Daniel Goykhman approached the podium and was sworn in. He stated he is the senior project manager and contractor and Tydale Developers is the name of the company.

Mr. Ricci asked about the vinyl siding. Mr. Goykhman stated it will be vinyl siding with azek trim and the shingles will be timbertack with stucco finishes. The front steps will be stucco cinderblock limestone. Chairman Buechler asked if siding will be on all four sides and Mr. Goykhman replied yes.

Chairman Buechler asked if there were any other questions and then asked about the landscaping. Mr. Cooper referred to exhibit A-3; the landscaping plan. He described there will be trees and flowers planted.

Chairman Buechler asked if there were any other questions about landscaping; there were none. He asked if the public wishes to speak about anything; there were none.

DISCUSSION:

Ms. Weiss said the plan looks good and an asset to neighborhood. Mr. Bullock said it was a well documented application. Mr. Ricci said it was a job well done. Chairman Buechler stated that the applicant requested that the resolution was dealt with at this meeting because of a time frame. He said that the Board attorney drafted the resolution and asked if anyone had any questions or comments about it.

Alice Beirne read off the conditions. Chairman Buechler said to add the specs of the materials to the conditions.

CONDITIONS:

The materials to be used are to be noted on the plans and shall be horizontal vinyl siding with klear or azek trim boards and GAF Timberline asphalt shingles with a 50 year warranty.

A motion was made by Mr. Bullock to approve the application; Ms. Gabry seconded and voted upon as follows:

Bullock:	Yes	Ricci:	Yes
Gabry:	Yes	Steinhart:	Absent
Neuer:	-	Sussman:	Yes
Quentzel:	Yes	Weiss:	Yes
		Chairman Buechler:	Yes

A motion was made by Mrs. Weiss to adopt the Resolution ZB-11-03/Gomes; Mr. Sussman seconded and the voted upon as follows:

Bullock:	Yes	Ricci:	Yes
Gabry:	Yes	Steinhart:	Absent
Neuer:	-	Sussman:	Yes
Quentzel:	Yes	Weiss:	Yes
		Chairman Buechler:	Yes

4. **ZB-11-04/DeBarbieri**

(Application Carried from 3/17/11)

Block: 55.05; Lot: 11; Zone: R-5

22 Undercliff Terrace

Seeking "C" variances for a two story addition on the back left corner of the house

EXHIBITS:

A-1 Sheet A101 (colored)

A-2 Elevations

Director Borg stated for the record that she wanted them to know she lives within 200 feet of this application and she wants to be excused. Chairman Buechler excused her and asked for the first witness to approach.

Jeffrey DeBarbieri approached the podium and was sworn in. He stated he was the property owner residing at 22 Undercliff Road. Chairman Buechler asked what he proposes to do. Mr. DeBarbieri stated he proposes to build an addition on the left rear corner of his home, enlarge the kitchen and the 2nd floor bedroom and bath.

Chairman Buechler asked if he received any comments from neighbors and Mr. DeBarbieri stated no.

Chairman Buechler asked if any members of Board had any questions. There were none. Chairman Buechler asked if there were any members of the public that had any questions. There were none.

James Debarbieri approached the podium and was sworn in. He stated that he was the architect for the project. Chairman Buechler asked if he was a licensed architect in the State of New Jersey. Mr. Debarbieri stated yes. Mr. DeBarbieri gave his credentials and Chairman Buechler stated that he accepted them.

Mr. DeBarbieri referred to exhibit A-1. He went on to show kitchen floor plan and the 2nd floor bedroom and bath. He stated that the addition is in line on both floors. He referred to the site plan, which showed size of elevation, area of lawn and driveway. He stated that the plan shows the maximum building coverage is 35% and they are at 22%. He explained that the variances have to do with the undersize of the lot and explained the size of the lots in the area are 70 x 100.

Mr. DeBarbieri then referred to the elevations of the building in exhibit A-2. He explained the peak of roof will not be higher than the ridge of the existing roof. They also intend to match the existing siding and architecture of the house and match the color and style of the shingles. He pointed out the side exterior elevation and that it shows no windows on that side.

Chairman Buechler asked the Board if there were any questions and there were none. He then asked if the public or public advocate had any questions and there were none.

DISCUSSION:

Chairman Buechler suggested that the conditions include that the exterior match the color and style and the construction done with the Township's Planner.

CONDITIONS:

1. Exterior match color and style
2. Construction done with the Township's Planner

Chairman Buechler made a motion to approve this application; Mrs. Weiss seconded and voted upon as follows:

Bullock:	Yes	Ricci:	Yes
Gabry:	Yes	Steinhart:	Absent
Neuer:	-	Sussman:	Yes
Quentzel:	Yes	Weiss:	Yes
		Chairman Buechler:	Yes

5. **ZB-11-05/Carp, Gerald & Ellen**
(Application Carried to 5/19/11)
 Block: 82.02; Lot: 13.05; Zone: R-1
 63 Ridge Road
 Seeking "C" variances for the height of an existing fence and the setbacks of an existing tennis court

Chairman Buechler stated that this application was carried over to the 5/19/11 regular meeting.

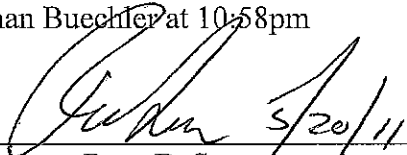
6. **ZB-11-07/MetroPCS New York, LLC**
(Application Carried to 5/19/11)
Block: 173; Lot: 1.01; Zone: R-5
Nance Road
Seeking two (2) "D" variances for use and height to add six (6) wireless antennas to an existing tower, and a "C" variance for the height of the fence

Chairman Buechler stated that this application was carried over to the 5/19/11 regular meeting.

ADJOURNMENT

The meeting was adjourned by Chairman Buechler at 10:58pm

April 21, 2011


Rose DeSena
Zoning Board Secretary