

**MINUTES  
TOWNSHIP OF WEST ORANGE  
ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
May 24, 2012**

The West Orange Zoning Board of Adjustment held a special meeting on May 24, 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 Notice of this meeting was given to the Township Clerk, the West Orange Chronicle, and posted on the Township Bulletin Board on April 26, 2012 in accordance with the "Open Public Meetings Act."

Chairman Neuer asked everyone to stand for the Pledge of Allegiance

The Board went into Executive Session for an attorney/client privileged discussion. Chairman Neuer called for a recess.

The Board resumed at 8:17pm.

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

**PRESENT:** Bruce Buechler, Gregory Bullock, Deborah Gabry, Philip Neuer, Bart Quentzel, William Steinhart, Mark Sussman, Alice Weiss

**ABSENT:** Eric Sacks (excused)

**ALSO PRESENT:** Susan Borg, A.I.C.P., P.P., A.I.A.  
Frank Russo, Consulting Engineer  
Board Attorney: Alice Beirne, Esq.  
Board Secretary, Rose DeSena  
Harvey Grossman, Public Advocate

**DISCUSSION**

Alice Beirne stated that Auburn Data Systems is requesting to have a special meeting. She explained that the Board approved this Applicant's request for reconsideration of an Application that had previously been denied by this Board. Reconsideration was granted, at the Zoning Board meeting on May 17<sup>th</sup>, allowing the Applicant to submit an amended application. The request for a Special Meeting was granted if this matter cannot be concluded at the June 14<sup>th</sup>, 2012 Regular Meeting.

James Pryor, Esq., attorney for Communication Infrastructure, approached the podium. Chairman Neuer asked Mr. Pryor if he would take a special meeting if the application is not heard in its entirety tonight and he replied yes.



## **APPLICATION(S)**

- 1. ZB-12-06/Communication Infrastructure Corp.** **Carried from 5/17/12**  
Block: 84.01; Lot: 22; Zone: B-2  
10 Marcella Avenue  
“D” variance for more than one use to install four (4) commercial dish antennas on an existing tower.

James Pryor, Esq., attorney for the applicant, approached the podium and began by detailing the application.

Mr. Pryor stated that before this application is heard that he would like clarification of the Township’s ordinance 25-8.7, entitled “Commercial Antennas”, and began reading from the ordinance. He noted that, according to the wording in this ordinance, the applicant does not need the “D” variance for the second use. He began to make his argument stating that the applicant is not adding a new use to the tower; that the use did not change. Mr. Pryor also stated that, according to this ordinance, this should go before the Planning Board and not the Zoning Board.

Mr. Pryor stated that under the Federal statute it specifies that an application for collocation shall not be denied. Mr. Buechler asked Mr. Pryor if he was referring to the 2012 statute and he said yes.

Chairman Neuer asked Mr. Pryor if he was suggesting that this Board does not have jurisdiction to hear this application. Mr. Pryor replied yes. He said that according to the ordinance, the Planning Board has jurisdiction.

Mr. Buechler asked Mr. Pryor if he is asking to go before the Planning Board and Mr. Pryor replied yes, because of the use. Mr. Buechler asked Mr. Pryor if he was stating that this particular site is just a tower site and that there is nothing else there. Mr. Pryor said yes; there are just two antennas on this tower and nothing else.

Chairman Neuer asked Ms. Beirne’s opinion and she stated that the Board should vote on whether this is a second use. Chairman Neuer said that the applicant should then bifurcate the application regarding the “D” use variance and the Board should interpret whether or not it constitutes another principle use. Ms. Beirne stated that there is not enough factual information confirming what is on this property. Mr. Buechler asked Ms. Borg if she can confirm what is on the property; Ms. Borg stated that there is no other use there.

Mr. Buechler asked Mr. Pryor if his argument is that this property is strictly used for cell towers and Mr. Pryor replied yes.

Mr. Buechler asked Mr. Pryor if he submitted a structural engineering report confirming that the tower can hold the weight of the dishes. Mr. Pryor said yes, that there was a report submitted in the past 48 hours.

Mr. Buechler asked Ms. Borg if she had an opinion regarding the second use. Ms. Borg said that she will waive her opinion and let the Board decide.

There was a brief discussion among the Board members regarding the second use issue.

Ms. Weiss asked if the Board decides that this application does not need a "D" variance will this apply to every application that comes before them on 10 Marcella Avenue. Chairman Neuer replied yes. He stated that Marcella Avenue is a "tower farm"; there are four or five properties there and they only have towers on them. Chairman Neuer stated that the principle use is a tower. He said that it doesn't matter if there are different owners; as long as the use is the same, it is a conditional use and not a second use. Mr. Buechler stated that most of the other properties that have cell towers on them have other uses and he gave some examples.

Mr. Buechler stated that if this application does go to the Planning Board, it is important that the Engineer's report is submitted to them.

Ms. Beirne stated that it is perfectly alright for the Board to discuss this issue but all that they are to decide on tonight is what Mr. Pryor is presenting and not what is applicable to all Marcella Avenue applications.

Mr. Sussman asked about the building that is located on the property and Mr. Buechler stated that it is used for the equipment.

Chairman Neuer asked Ms. Borg if the Planning Board reviews cell tower applications. She stated that they have reviewed them in the past but are not in the habit of doing that.

Mr. Bullock suggested that the Board put this decision off until the Zoning Board attorney can meet with the Planning Board attorney and come to a decision. Chairman Neuer stated that this is not the Planning Board's decision; it is the responsibility of the Zoning Board to interpret the ordinance.

Ms. Borg said that this is similar to a shopping center. She stated that there are different stores and owners but it is still a shopping center. Ms. Borg said that the principal use is retail and there are different types of retail in a shopping center. She said if a new tenant comes in then they go before the Planning Board.

Chairman Neuer asked Ms. Borg if there were different dishes or antennas on Marcella Avenue. Ms. Borg stated that this tower is not empty. Chairman Neuer asked if it is all the same technology and Ms. Borg said that she did not know. Ms. Borg stated that it is a communication tower and it shouldn't matter because microwave dishes have always been treated different. Chairman Neuer stated that he does not agree with Ms. Borg's conclusion. Mr. Pryor stated that the ordinance does not differentiate between antennas and dishes.

There was discussion between the Chairman and Mr. Pryor regarding the interpretation of the ordinance in question and also the definition of commercial antennas. Chairman Neuer asked Mr. Pryor if this application depicts other antennas on the tower. Mr. Pryor stated that there are

a number of antennas on the tower. Chairman Neuer asked Mr. Pryor if he knew if these antennas were owned by the same company and Mr. Pryor said that he is assuming they are not. Ms. Beirne stated that a list of the other dish owners, which are currently on the tower, was included in the application package.

Chairman Neuer stated that he does not believe that you can have ten owners and each one does not constitute a separate use. Mr. Pryor stated that regulation of a zoning ordinance, based on ownership, does not constitute use. Chairman Neuer said that it does not necessarily apply to commercial use.

Mr. Buechler stated that his concerns are regarding the recent 2012 Federal statute and that it does not appear to say that this Board may not deny. He said that this application is limited to a location where there are only antennas and he may not necessarily agree with the Chairman.

Ms. Weiss stated that the Engineering report states that there are structural problems with the tower and this report should be submitted to the Planning Board. Mr. Pryor stated that this application would go through the same review and he will submit the same documents to the Planning Board that were submitted to the Zoning Board. The Chairman recommends that if this Board determines that jurisdiction resides with the Planning Board then the entire file must be sent to the Planning Board.

Mr. Sussman said that one observation he has is that the wording should be a new principal use. He said that adding another antenna to a tower that already has antennas on it is the same use. Chairman Neuer stated that he thinks that adding an additional antenna from an additional user is not the same use. Chairman Neuer said that the resolution will state what the interpretation is.

Mr. Buechler made a motion, recommending that the Zoning Board resolution, interpreting the ordinance such that the addition of an antenna to the existing tower is not an additional principle use, should note that this is based on specific facts regarding 10 Marcella Avenue. He said the sole use is the tower and that the applicant is installing all of its equipment in the building on the site. Mr. Buechler stated that he agrees with the Chairman regarding the principle use. He said that this application does belong before the Planning Board and not the Zoning Board. He recommends that the Planning Board review the structural tower report very closely, making sure the tower is structurally sound and can support the weight according to the TAI 222 G standards. Mr. Buechler also said the resolution will state that this is for a conditional use.

Mr. Sussman asked if they could have any control over the addition of too many dishes on the tower. Mr. Buechler stated that this would be a health and safety matter and hopefully the Planning Board would exercise its usual common sense regarding that question.

Ms. Gabry seconded the motion.

Mr. Buechler asked Ms. Beirne to confirm that the motion that he put before the Board is legally sound before they take the vote. Ms. Beirne stated that she did not see a problem with it.

The vote was as follows:

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

Chairman Neuer stated that the motion is approved by a vote of 5 in favor and 2 opposed.

Chairman Neuer recessed the meeting at 9:12 pm.

The meeting resumed at 9:25 pm.

## APPLICATION

- 2. ZB-12-05/Seton Hall Preparatory School** **Carried from 5/17/12**  
Blocks: 58 & 59.04; Lots: 1.01&1.04; Zones: R-6 (school) R-5 (offices)  
120 Northfield Avenue (school) & 170 Northfield Avenue (offices)  
Preliminary and Final Site Plan approval  
“D” & “C” variances for an expansion of a non-conforming use for an addition of a two (2) story wing to an existing building and acquiring property to house their administrative offices.

Ms. Gabry recused herself from hearing this application and stepped down from the dais.

## EXHIBITS

- A-5 - Existing condition (sheet 3 of 10 dated 3/8/12)
- A-6 - Dimension and layout plan (sheet 4 of 10 dated 3/8/12)
- A-7 - Drainage Plan (sheet 5 of 10 dated 3/8/12)
- A-8 - Color rendering (dated 1/19/12)
- A-9 – Science lab foundation plan (sheet A-1 dated 1/12/12)
- A-10 – Science lab first floor plan (sheet A-2 dated 1/12/12 revision one dated 5/9/12)
- A-11 – Science lab second floor plan (sheet A-3 dated 1/12/12)
- A-12 – Science lab elevations (sheet A-4 dated 1/12/12 revision one dated 5/19/12)
- A-13 – Administrative offices first and second floor plan (sheet A-1.1 dated 1/10/12 revision one dated 5/9/12)
- A-14 – Administrative office basement plan (sheet A-1.2 dated 1/10/12)

Robert C. Williams, Esq., attorney for the applicant approached the podium.

Chairman Neuer stated that the applicant is requesting a waiver of the environmental impact study. He stated that the applicant is suggesting that the site is fully developed and therefore there is no need to have one done.

Chairman Neuer made a motion to grant the waiver and Ms. Weiss seconded the motion. Mr. Quentzel stated that as long as there are no problems he will vote yes.

Vote was as follows:

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

Mr. Williams began by detailing the application, noting what occurred at the last meeting on May 17, 2012 and re-called Charles Stewart, site engineer, previously sworn and accepted as an expert.

Chairman Neuer added, for the record, that the Board shall ignore such testimony regarding the 40 offsite parking spaces at the Shillelagh Club and the 35 offsite parking spaces at 81 Northfield Avenue because there are no written agreements. The Chairman stated that the only offsite parking spaces that they are to consider are the ones at the Kelly Athletic Center site.

Mr. Buechler stated that he was not at the last meeting and was given the transcripts but did not have a chance to read them. He said that even if there were written agreements for these offsite parking spaces, they should check and see if in doing so these other sites would be in violation of their Certificates of Occupancy.

Mr. Stewart approached the podium and the Chairman reminded him that he is still under oath and asked if any of the Board members had question for Mr. Stewart.

Frank Russo, consulting Engineer for the Township, asked Mr. Stewart if he submitted revised drawings from the last meeting. Mr. Stewart replied no and stated that he addressed all of the comments from Ms. Borg and Mr. Keller. Mr. Russo asked Mr. Stewart if there were any comments that he did not address in the memo and Mr. Stewart replied no. Chairman Neuer asked Mr. Stewart if he agreed that the application is complete and Mr. Stewart replied yes.

Chairman Neuer asked if there were any questions for Mr. Stewart from members of the public and there were none.

Chairman Neuer stated that he received a memo from Mr. Williams regarding the easement to Beverly Road and a court decision. He stated that, even though he disagrees with Mr. Williams' position that the easement property is not part of this application, he is satisfied that, based upon the content of the recorded easement, consent is not required from the other property owners as long as notice was properly given to them.

Ms. Weiss asked Mr. Williams if either of those property owners on Beverly Road have any objections. Mr. Williams stated that they were noticed and does not know if they have any objections. He said that he is assuming that they would be here at this meeting if they did.

Mr. Williams called his next witness to testify.

Carl O'Brien approached the podium and was sworn under oath. Mr. O'Brien detailed his educational and professional background stating that he is licensed in the State of New Jersey as a Civil Engineer and Professional Planner. Chairman Neuer asked Mr. O'Brien how many years he has been licensed as a civil engineer and Mr. O'Brien replied 12 years. Chairman Neuer asked Mr. O'Brien if he has ever testified before Boards in similar matters and he replied yes. Chairman Neuer accepted his credentials as an expert in Civil Engineering.

Mr. Williams stated that the application proposes changing the athletic field surface, located behind the school, from natural conditions to artificial turf.

Mr. O'Brien began by detailing the existing conditions. Chairman Neuer noted that sheet 3 of 10 of the existing conditions was pre-marked and asked to have it marked as Exhibit A-5.

Mr. O'Brien explained that the reason for changing from natural conditions to artificial turf is because the field holds water and cannot be used when it rains.

Mr. O'Brien presented the dimensions and layout plan and detailed what they are proposing. Chairman Neuer noted that sheet 4 of 10 of the dimensions and layout plan, dated 3/8/12, was pre-marked and he asked to have it marked as Exhibit A-6. Mr. O'Brien stated that they are proposing black vinyl fencing to be placed around the field that was recommended by Eric Keller. He said that the fence will be 6' high and part of it will be 8' high. Mr. Williams stated that the fence will not require a variance because they are not replacing it; they are just upgrading the existing one.

Mr. Buechler asked if the wall was in good shape and Mr. O'Brien said that it was in decent shape. Mr. O'Brien stated that there is netting around that area and they are going to keep it.

Mr. O'Brien described the new dugouts as being open-aired with a roof on top of them and posts on the sides. He said that the existing bleachers are going to stay and they are replacing the dirt with concrete behind the home plate area.

Mr. O'Brien described where the entrance was located and stated that the existing stairs will be replaced because they are in disrepair. Chairman Neuer asked Mr. O'Brien to point out where the bleachers were. Mr. O'Brien noted there will be permanent bleachers on the first and third base sides. He also said that they will be purchasing six (6) portable bleachers that can be used anywhere on the site. Mr. Buechler asked Mr. O'Brien if the artificial turf was ADA compliant and he replied yes. Mr. Buechler asked Mr. O'Brien if someone in a wheel chair could push themselves on the artificial turf, noting that there was no path where the bleachers are located. Mr. O'Brien stated that you can roll anywhere on artificial turf. Mr. Buechler asked for documentation verifying this. Mr. Russo stated that woodchip paths in parks are ADA compliant. Mr. O'Brien said that he will provide the Engineer with a copy of the documentation verifying this.



Chairman Neuer asked Mr. O'Brien if the center field will have seats near the ADA entrance. Mr. O'Brien stated that roll out bleachers will be available in that location. Chairman Neuer stated that accessible seating at the ADA entrance will be a condition.

Mr. O'Brien stated that the only area that will have natural material will be the pitching mound and that will be clay. He said that there will only be one foul pole on the left line and one removable foul pole on the right line during baseball season.

Chairman Neuer asked if there will be any signage on the wall and Mr. Williams replied no. The Chairman stated that a condition will be added that there will be no signs on the wall. Mr. O'Brien said that they are going to put padding on the wall and the Chairman stated that he is only concerned about advertising on the wall.

Mr. Sussman asked Mr. O'Brien what material is going to be used for the running areas within the base lines and Mr. O'Brien replied synthetic turf.

Chairman Neuer said he has a concern about the baseball players tearing up their knees on the artificial turf. Mr. O'Brien stated that this will be no different than playing on grass. He said that G max testing measures how hard the field is and there are certain requirements. Mr. O'Brien said that if the field is too hard a player will get hurt so the applicant must maintain the field. He said the key to this is grooming and maintenance.

Chairman Neuer asked Mr. O'Brien if a maintenance plan was submitted and he replied no. The Chairman stated that another condition will be the submission of a maintenance plan that requires maintaining the G max level of the artificial turf. Mr. Williams stated that they will provide the maintenance plan as a condition.

Mr. Sussman asked Mr. O'Brien if the foul pole on the right field side was temporary because it is on the playing field. Mr. O'Brien said yes because it would be within the soccer and football fields so it has to be temporary. He also stated that it will be made out of PVC plastic.

The Chairman asked if there were any other questions from the Board for Mr. O'Brien.

Mr. Steinhart asked why prohibit advertising on the wall because it is a hidden field. Chairman Neuer said that it is just his prerogative. Mr. Steinhart stated that some town fields have advertising and used the PAL baseball field as an example. Ms. Borg stated that the PAL field is not a town field; she said the sign ordinance does not address this so it is probably not permitted. Chairman Neuer said that the applicant did not ask for a sign.

Mr. Russo questioned Mr. O'Brien as to where they were going to store the portable bleachers. Mr. O'Brien said they will be stored outside of the areas of the playing fields and depending on the sport in season is where they will be stored inside the playing surfaces.

Mr. Russo asked if the bleachers will be visible to the residents. Mr. O'Brien said they will only be visible to the people who live above the field.

Mr. Russo stated that the Board should determine if the temporary bleachers will have a parking condition attached to them. Mr. Williams stated that they will be reducing the number of seats. He said that it was factored in that the bleachers were already there and parking was reduced for the entire site. Mr. Russo asked Mr. Williams how many parking spots are required today. Mr. Williams said they are required to have 1200 parking spots today and that is being reduced to 1017.

Mr. Russo stated that the artificial turf gets very hot and asked if they would be installing sprinklers. Mr. O'Brien stated that they will be installing drainage pipes under the field that store water and will cool the turf. Chairman Neuer asked Mr. O'Brien to provide Mr. Russo with this information. Mr. Sussman asked Mr. O'Brien if the artificial turf is porous and Mr. O'Brien said yes.

Mr. Russo stated that there were some technical items in the storm water report that he wants to work out with the applicant's professional staff.

Chairman Neuer asked if there were any members of the public that had any questions for Mr. O'Brien.

Mark Patterson approached the podium and stated that he lived at 19 Beverly Road. He asked Mr. O'Brien if he was correct in saying that the portable bleachers were 27' high and 10' deep and Mr. O'Brien replied yes. Mr. Patterson asked if the new bleachers are going to be larger than the old bleachers and Mr. O'Brien replied no.

There were no other questions for Mr. O'Brien.

Mr. Williams called his next witness to testify.

Donald Fiore approached the podium and was sworn under oath. Mr. Fiore detailed his educational background and professional experience. He stated that he is a licensed architect in the State of New Jersey. Chairman Neuer accepted his credentials as an expert in architecture.

Mr. Fiore presented the science lab foundation plan. Chairman Neuer noted that sheet A-1 of the science lab foundation plan, dated 1/12/12, was pre-marked as Exhibit A-9. Mr. Fiore began detailing the plan. He stated that it will consist of 450 sq. feet of useable space.

Mr. Fiore presented the science lab first floor plan. Chairman Neuer noted that sheet A-2 of the science lab first floor plan, dated 1/12/12 and revision date of 5/9/12, was pre-marked as Exhibit A-10. Mr. Fiore stated that it will be a two story addition and detailed the rooms and stair tower.

Mr. Fiore presented the science lab second floor plan and began detailing it. Chairman Neuer noted that sheet A-3 of the second floor science lab plan, dated 1/12/12, was pre-marked as Exhibit A-11. Mr. Fiore stated that this space will be used for the science lab. He also stated that classroom space will be utilized more efficiently.

Mr. Fiore presented the exterior elevation plan for the science lab. Chairman Neuer noted that sheet A-4 of the science lab elevation plan, dated 1/12/12 and revision date of 5/9/12, was pre-marked and asked to have it entered as Exhibit A-12. Mr. Fiore detailed all of the elevations and stated that the brick finishes will match the existing building. He also said that they will be replacing all of the shrubbery. Mr. Fiore stated that they are still working on a building code issue regarding the fire wall.

Mr. Buechler asked Mr. Fiore how high the new plants they are planting will be. Mr. Fiore said they are going to be 6 to 8 feet high.

Chairman Neuer asked Mr. Fiore if they will be planting shrubs along the north wall and if that was included in their budget. Mr. Fiore stated that this is the fire wall that they are having issues with and trying to work out. Mr. Williams stated that no one can see this wall; he said that there is only an alley along the outside of the wall. Mr. Buechler asked how wide the alley is and Mr. Williams said approximately 16' wide.

Mr. Fiore presented the administrative offices first and second floor plan. Chairman Neuer noted that Sheet A1.1 of the administrative offices first and second floor plan, dated 1/10/12 and revision date of 5/9/12 was pre-marked as Exhibit A-13. Mr. Fiore detailed the plans and stated that there will be minimal changes to the building itself. He said that the main change will be to the rear right of the first floor where there will be offices. Mr. Fiore also said that there will be an addition of a handicap ramp.

Mr. Buechler asked Mr. Fiore if there will be an elevator to get to the second floor; Mr. Fiore replied no. Mr. Buechler asked if one was required and Mr. Fiore replied no.

Chairman Neuer asked Mr. Fiore if there will be a handicap bathroom and Mr. Fiore stated that the architect is working that. Chairman Neuer asked if the handicap bathroom will be on the first floor and Mr. Fiore replied yes. The Chairman asked if there was a bathroom on the second floor and Mr. Fiore said yes but only the one on the first floor will be handicap accessible.

Mr. Fiore presented the administrative office basement plan. Chairman Neuer noted that sheet A1.2 of the administrative office basement plan, dated 1/10/12, was pre-marked and asked to have it entered as Exhibit A-14. Mr. Fiore detailed the plan and stated that it will be used for storage.

Mr. Williams noted for the record that there will be no signage on this structure.

Mr. Buechler asked if there is an attic in the house. Mr. Fiore stated that there is an attic but they are not going to use it. He said that it is not suitable for viable storage.

Chairman Neuer stated that a condition will be that the attic and the basement will only be used for storage and no signage will be installed.

Chairman Neuer asked Mr. Fiore how many offices there will be in the house. Mr. Fiore said there will be seven offices and a conference room. The Chairman asked if the conference room will be used as an office and Mr. Fiore replied no.

Chairman Neuer asked if there were any questions for Mr. Fiore.

Mr. Russo asked if there will be any new roof mounted equipment on the main building and Mr. Fiore replied no.

Mr. Bullock asked Mr. Fiore if the kitchen will remain in the house and Mr. Fiore said yes. Mr. Bullock asked if the staff would be using it and Mr. Fiore said yes. Mr. Bullock asked if there are any safety conditions for the kitchen that they must comply to because it is an office space. Ms. Borg stated that the Township's Health Department will inspect it when they start the permit process.

Mr. Quentzel asked Mr. Fiore if any sprinklers are required in the house and Mr. Fiore replied no.

Mr. Sussman asked Mr. Fiore if the house has central air conditioning; Mr. Fiore replied no. Mr. Sussman asked if they are planning on installing it and Mr. Fiore said no, that they will have only air conditioning window units.

With respect to the school buildings, Ms. Borg asked Mr. Fiore which elevation on the building do the people see most. Mr. Fiore stated that, exposure wise would be the west elevation. He said that the south or east elevation is the most visible. Ms. Borg said she thinks the south wall is the wall people see the most and said that she thinks it should have some windows. Ms. Weiss asked Mr. Fiore if they could put windows in the south wall. Mr. Fiore said that they prefer not to because of the classroom layout on this wall. Ms. Borg said that this is because of the function of the room layout and not the fire codes as stated earlier. Mr. Fiore said that the fire wall code is a technical issue which they still have to work out.

Mr. Russo asked Mr. Fiore what was on the other side of the south elevation wall. Mr. Fiore said that projectors will be set up there, at the front of the classroom, and they do not want windows there.

Chairman Neuer asked if any members of the public had any questions for Mr. Fiore. There were none.

Mr. Williams called his next witness to testify.

Joseph Staigar approached the podium and was sworn under oath. Mr. Staigar detailed his educational background and stated that he is a professional engineer licensed in the State of New Jersey with a specialization as a traffic engineer. Chairman Neuer accepted his credentials as an expert in traffic engineering.

Mr. Staigar stated that he had submitted a traffic analysis. Mr. Buechler asked if his report was two pages and Mr. Staigar replied yes. Mr. Staigar began detailing his report stating that he

visited the site and made his observations. He said that there is light traffic volume on Beverly Road and some commercial use also. Mr. Staigar stated that there is a 10' right of way that is used to access ten homes. He said that this includes the one house being converted to offices with seven parking spaces. Mr. Staigar stated that this driveway is not wide enough for two way traffic. He stated that if two vehicles encounter one another, one would have to pull into one of the three driveways to allow the other vehicle to pass.

Mr. Staigar stated that if a vehicle pulls in front of a home, because of the narrowness of the driveway, they would have to back out and use another driveway to make a K turn in order to get out. He stated that the neighbors are using the other driveways to turn around.

Mr. Staigar stated that this conversion of a home to an office will create a one way flow; seven cars coming in during the morning and seven cars leaving at the end of the day, although there may be conflicts at times.

Mr. Staigar stated that there will be seven parking spaces and they will be utilized by the employees. He said that he does not see any difference in the way this driveway is being used now.

Mr. Staigar gave a scenario describing how many seconds it takes to get down the driveway and the odds of two cars entering at the same time. Mr. Buechler stated that if these people are working at the same time then they will be coming and leaving at the same time.

Chairman Neuer told Mr. Staigar that what he was testifying to was not in his report and asked him to move on.

Mr. Buechler asked Mr. Staigar if he asked what hours these people would be working. Mr. Staigar said no; he did not think it was relevant. Mr. Staigar said that, no matter what, there will be a time when two vehicles encounter and there is a place where they can pull over to let the other car by.

Chairman Neuer noted that it is close to 11:00 pm and this Board adjourns at that time.

Chairman Neuer asked Mr. Williams if Mr. Staigar will be returning and said that he would like see a statistical report from the expert. Mr. Williams stated that the Chairman only requested a traffic report. Chairman Neuer stated that Mr. Staigar testified to substantial additional matters that were not in his report and that the Chairman could not follow most of it.

Chairman Neuer stated that the Board will need to see a statistical traffic analysis report and Mr. Staigar will have to come back. He said that this report will be very important.

Mr. Williams stated that he is striking Mr. Staigar's testimony and he will produce a new traffic engineer on June 18<sup>th</sup> who will testify. Chairman Neuer stated that he cannot advise him but to do what is in the best interests of his applicant.

Chairman Neuer stated that this will resume on June 18<sup>th</sup> and no further notice is required.

**ADJOURNMENT**

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

May 24, 2012

 *6/15/12*  
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Rose DeSena  
Zoning Board Secretary