

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
December 19, 2013**

The West Orange Zoning Board of Adjustment held a regular meeting on December 19, 2013 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, 2012 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: B. Buechler, G. Bullock, D. Gabry, P. Neuer,
B. Quentzel, W. Steinhart, M. Sussman, A. Weiss

ABSENT: W. Merklinger (excused)

ALSO PRESENT: Board Attorney, Alice Beirne, Esq.
Board Secretary, Rose DeSena
D. Dillon, Audio-Digital Transcription Service

ANNOUNCEMENTS

Future Meetings: January 16, 2014 (Regular Meeting) – 8:00 PM
February 20, 2014 (Regular Meeting) – 8:00 PM
March 20, 2014 (Regular Meeting) – 8:00 PM

ANNUAL REPORT

Adopt: Zoning Board of Adjustment Annual Report – 2012-2013 (Draft)

Mr. Neuer stated that he will cast his ballot as present but not voting on this because he believes that the template for this report is not accurate.

Mr. Buechler suggested two small revisions on page two of the report.

Chairwoman Gabry asked for a motion to adopt the Annual Report with Mr. Buechler's suggested revisions.

Mr. Buechler made a motion to adopt the Zoning Board Annual Report with revisions; Mr. Bullock seconded the motion and, other than Mr. Neuer who stated that although present, he is not voting on this motion, all other Members were in favor.

MINUTES

Adopt Minutes: November 21, 2013 (Regular Meeting)

Chairwoman Gabry asked for a motion to approve the minutes from the regular Zoning Board meeting held on November 21, 2013 as submitted to the Board members.

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

RESOLUTIONS

1. ZB-13-13/Interpretation

Pursuant to N.J.S. 40:55-D79b

Fitness Center/Health Club in a P-C Zone

Defined as a separate use or as a personal service store/studio

Chairwoman Gabry asked if the Board reviewed this resolution and if any Member had any comments; seeing none the Chairwoman asked for a motion to approve.

Mr. Sussman made a motion to adopt; Mr. Bullock seconded the motion.

The vote was as follows:

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

2. ZB-13-03/Prism Green Assoc. III, LLC

Approved 10/28/13

Block: 155; Lot: 26.03; Zone: O-R

Rooney Circle

“D” use variance and “C” variances to construct a fitness center

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

Ms. Beirne stated that Chairwoman Gabry had some grammatical revisions, the applicant’s attorney had some revisions and that Mr. Buechler sent his comments to her on December 6, 2013. She said that she approved all of the revisions and they were incorporated into the resolution.

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

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

The vote was as follows:

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

It was noted for the record that Mr. Neuer and Mr. Steinhart were recused from hearing this application and did not vote.

3. ZB-13-09/Heart to Heart Home Care

Denied 11/21/13

Block: 45.01; Lot: 14; Zone: R-5

28 Devon Drive

“C” side yare variance to install a handicap ramp at a Group Home

Ms. Beirne stated that Mr. Neuer sent her his suggested revisions for this resolution on 12/16/13 and Ms. Beirne then read these to the Board.

Chairwoman Gabry asked if the Board had any other comments; seeing none the Chairwoman asked for a motion to approve.

Mr. Neuer made a motion to adopt the resolution with said revisions; Mr. Sussman seconded the motion.

The vote was as follows:

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

APPLICATION(S)

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

Shimon Nissel approached the podium and was sworn under oath. Mr. Nissel detailed his application stating that he has a handicapped child who is incapacitated and has begun having seizures. He said that he would like to extend his bedroom into part of the existing garage so that that he can be next to his child during the night time.

Chairwoman Gabry asked Mr. Nissel if the remainder of the garage will be used just for storage; he replied yes. He said that three cars can fit in the driveway and no cars will be parked on the street.

Mr. Buechler asked Mr. Nissel if the façade of the garage will change; he replied no. Mr. Nissel said that the only change will be the addition or modification of a window on the side of the garage where the bedroom will be added. He said that everything else will remain the same.

Mr. Buechler asked Mr. Nissel if he received any negative or positive comments from his neighbors; he replied no.

Chairwoman Gabry asked Mr. Nissel if Mr. Marucci will be testifying; he replied no.

Mr. Quentzel asked Mr. Nissel if the architectural plans were signed by a certified architect; he replied no. Mr. Nissel said that when he applies for the permits at the Township's Building Department he will provide signed and sealed architectural plans at that time.

Mr. Neuer said that if the Board approves the application, one of the conditions of approval would be that the architectural plans would have to be sealed. He said that if there is any deviation from the plans that were submitted with the application then the applicant would have to come back before the Board.

Mr. Sussman asked Mr. Nissel if he testified that there will not be any changes to the exterior of the house; he replied yes. Mr. Nissel said that the only change would be the addition or modification of a window on the side of the garage. He said from the street the house will look exactly the same as it does now.

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

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

Chairwoman Gabry made a motion to approve this application subject to Mr. Neuer's recommended condition regarding the submission of sealed architectural plans and subject to the applicant installing a window.

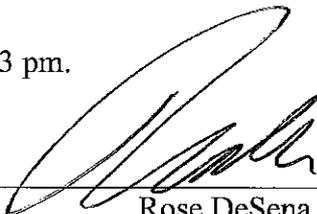
Mr. Buechler seconded the motion.

The vote was as follows:

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

The meeting was adjourned by Chairwoman Gabry at 8:33 pm.

Adopted: January 16, 2014



Rose DeSena
Zoning Board Secretary

1/17/14