

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
April 16, 2015**

The West Orange Zoning Board of Adjustment held a regular meeting on April 16, 2015 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Buechler 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 December 11, 2014 in accordance with the "Open Public Meetings Act."

Chairman Buechler asked everyone to stand for the Pledge of Allegiance.

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

PRESENT: Bruce Buechler, Greg Bullock, Deborah Gabry, Philip D. Neuer
Bart Quentzel, Irv Schwarzbaum, William Steinhart,
Mark Sussman, Alice Weiss

ABSENT: None

ALSO PRESENT: Paul Grygiel, Consulting Planner
Frank Russo, Consulting Engineer
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary
D. Dillon, Audio-Digital Transcription Service

ANNOUNCEMENTS

Future Meetings: May 21, 2015 (Regular Meeting) – 8:00 pm
June 4, 2015 (Special Meeting) – 8:00 pm
June 18, 2015 (Regular Meeting) – 8:00 pm
July 16, 2015 (Regular Meeting) – 8:00 pm

Chairman Buechler announced that application **ZB-14-08/Sai Hira Ram Trust, Inc.**, that was scheduled to be heard at this meeting, requested to be carried over to the next regular Zoning Board of Adjustment meeting held on 5/21/15.

Chairman Buechler stated that no further notice would be necessary

NEW BUSINESS

Zoning Board Member appointment to the Site Plan Advisory Board

Chairman Buechler stated that a recent ordinance was passed by the Township Council regarding the establishment of a Site Plan Advisory Board. He said that the purpose of this Board is to review major site plan applications in advance.

Chairman Buechler stated that this Ordinance requires one member of the Zoning Board of Adjustment to be appointed to this Board and he nominated Vice Chairman Neuer. Mr. Sussman seconded the nomination and all were in favor.

MINUTES

Adopt Minutes: March 19, 2015 (Regular Meeting)

Chairman Buechler asked the Board Members if they had any additional comments to the March 19, 2015 regular meeting that were submitted to them for review. Seeing none, he asked for a motion to approve said minutes.

Ms. Gabry made a motion to approve the minutes of the March 19, 2015 regular Zoning Board of Adjustment meeting as submitted to the Board members; Mr. Sussman seconded the motion and all were in favor.

Mr. Bullock noted for the record that he was not present at the March 19th meeting and did not vote on these minutes.

Adopt Minutes: March 26, 2015 (Special Meeting)

Chairman Buechler asked the Board Members if they had any additional comments to the March 26, 2015 special meeting that were submitted to them for review. Seeing none, he asked for a motion to approve said minutes.

Mr. Quentzel made a motion to approve the minutes of the March 26, 2015 special Zoning Board of Adjustment meeting as submitted to the Board members; Mr. Steinhart seconded the motion and all were in favor.

Mr. Sussman noted for the record that he was not present at the March 26th meeting and did not vote on these minutes.

SWEARING IN

Consulting Planner for the Township, Paul Grygiel, and Consulting Engineer for the Township, Frank Russo were sworn under oath.

RESOLUTIONS

1. ZB-15-01/T-Mobile Northeast LLC and New Cingular Wireless PCS, LLC

Block: 155; Lot: 40.01; Zone: B-2

8 Rooney Circle

Seeking a six (6) month extension of time for a previous Zoning Board approval
For ZB-12-08 for a temporary wireless communication facility.

APPROVED ON 3/19/15

Chairman Buechler stated that comments were submitted by himself and the attorney for T-Mobile Northeast to Ms. Beirne for this resolution. Ms. Beirne stated that she approved those comments and they were incorporated into the resolution.

Chairman Buechler asked if any other Board Member had any comments; seeing none Chairman Buechler asked for a motion to adopt the resolution.

Vice Chairman Neuer made a motion to adopt the resolution with said revisions; Ms. Gabry seconded the motion to adopt.

The vote was as follows:

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

2. ZB-15-03/Seton Hall Preparatory School

Block: 82.01; Lot: 1; Zone: R-1

700 Prospect Avenue

Seeking final amended site plan approval for replacing grass with artificial
Turf on the varsity baseball field.

APPROVED ON 3/19/15

Chairman Buechler stated that comments were submitted by himself to Ms. Beirne for this resolution. Ms. Beirne stated that she approved those comments and they were incorporated into the resolution.

Chairman Buechler asked if any other Board Member had any comments; seeing none Chairman Buechler asked for a motion to adopt the resolution.

Vice Chairman Neuer made a motion to adopt the resolution with said revisions; Mr. Steinhart seconded the motion to adopt.

The vote was as follows:

Bullock:	-	Steinhart:	Yes
Gabry:	Recused	Sussman:	Yes
Neuer:	Yes	Weiss:	-
Quentzel:	Yes	Chairman Buechler:	Yes
Schwarzbaum	Yes		

It was noted for the record that Ms. Gabry was recused from hearing this application and did not vote on this resolution.

APPLICATION(S)

1. ZB-15-04/Golda Och Academy, Inc.

Block: 168; Lots: 18, 18.04, 20.02 & 42
1418 Pleasant Valley Way

Seeking a “D” variance and “C” variances for the expansion of a non-conforming conditional use for the construction of a 3 story addition

EXHIBITS

- A-1 - Floor Plans sheet P-1 dated 12/2/14
- A-2 – Elevations, Sheet P-2 dated 12/2/14 (color rendering)
- A-3 – overall Plan, Sheet SP 2 dated 2/26/15
- A-4 – Layout Sheet, Sheet SP3 dated 2/26/15
- A-5 - Grading & Steep Slope Plan dated 2/26/15 Sheet SP4
- A-6 – Lighting & Landscape Plan dated 2/26/15, Sheet SPS
- A-7 – Deed of Consolidation
- A-2a – Color Rendering (Part of A-2)
- A-8 – Two metal samples and a Brick Sample
- A-9 – Letter dated 4/16/15 from John Linson, Township Forester

Chairman Buechler stated that he is recused from hearing this application and turned the Chair over to Vice Chairman Neuer.

Chairman Buechler stepped down from the dais.

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

Mr. Williams detailed the application stating that the applicant is proposing to construct a three story addition to the school which requires the approval of a “D” variance for the expansion of a non-conforming use.

Vice Chairman Neuer stated that there is a problem with the application as submitted. He said that there are three prior applications for this property and that a deed of consolidation was required to be recorded. He said that these lots may not have been consolidated.

Mr. Williams presented the deed of consolidation for the lots; Vice Chairman Neuer asked to have the deed of consolidation marked as Exhibit A-7 for identification.

Vice Chairman Neuer asked Mr. Williams if the Township's Tax Assessor provided him with a new lot number; he said that he did not know because that was before his time.

Mr. Williams called his first witness.

Adam Shapiro approached the podium and was sworn under oath. Mr. Shapiro stated that he is the Principal and that they are proposing a three story addition to the existing school. He said that the first story will be dedicated to the STEM program; a program that requires more square footage than a traditional classroom because the students will be required to build large projects. Mr. Shapiro said that the second story will also be a classroom and that the third floor will be a multi-purpose space.

Vice Chairman Neuer asked Mr. Shapiro if they will be increasing student registration; he said that they do not anticipate their enrollment growing. Mr. Shapiro said that the purpose of this is to enhance the current student body and is an adjunct to the curriculum.

Mr. Grygiel asked Mr. Shapiro if there will be any new staff members; he replied no.

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

Vice Chairman Neuer asked if any members of the public had any questions for Mr. Shapiro; there were none.

Mr. Williams called his next witness.

Anthony Guzzo approached the podium and was sworn under oath. Mr. Guzzo detailed his educational and professional background as a Professional Architect licensed in the State of New Jersey and said that he has also testified before this Board before. Mr. Guzzo possesses a current license to practice architecture in the State of New Jersey.

Vice Chairman Neuer accepted Mr. Guzzo as an expert in Architecture.

Mr. Guzzo presented the floor plans for the first and second floor.

Vice Chairman Neuer stated for the record that the first and second floor plans were pre-marked as Exhibit A-1 for identification.

Mr. Guzzo referred to Exhibit A-1 and detailed the existing and proposed floor plans for the first and second floor. He stated that the new addition will be ADA accessible and that there will be interconnection with the two classrooms and another means of egress for the building.

Mr. Guzzo presented the floor plans for the third floor.

Vice Chairman Neuer stated for the record that the floor plans for the third floor were pre-marked as Exhibit A-2 for identification.

Mr. Guzzo referred to Exhibit A-2 and detailed the multi-purpose space on the third floor addition. He said that the existing elevator will be utilized for all the levels.

Mr. Williams asked Mr. Guzzo if the partial rendering of the new addition is on Exhibit A-2; he replied yes.

Vice Chairman Neuer stated that the Board did not receive the rendering of the new addition with the revised plan. Mr. Williams said that he has the rendering in a hand-out for the Board Members.

Vice Chairman Neuer asked to have the hand-out of the rendering of the new addition marked as Exhibit A-2a for identification.

Mr. Guzzo referred to Exhibit A-2a and described the rendering of the exterior of the new addition. He presented a sample of the materials that will be used on the exterior of the addition and asked if he could hand them out to the Board Members.

Vice Chairman Neuer asked to have the sample materials marked as Exhibit A-8 for identification.

Mr. Guzzo detailed the proposed signage on the façade of the building.

Mr. Bullock asked Mr. Guzzo if the metal material that will be used on the exterior of the building's addition is actual building material; he replied yes.

Mr. Sussman asked Mr. Guzzo if the metal material sample is representative of the thickness; he replied yes.

Mr. Schwarzbaum asked Mr. Guzzo if the material samples that will be used on the exterior of the addition will match the existing building; he replied yes.

Mr. Schwarzbaum asked Mr. Guzzo what will be behind the panels; he said bricks and studs.

Mr. Schwarzbaum asked Mr. Guzzo if the lettering on the proposed signage will be similar to the existing signage; he replied yes.

Mr. Russo asked Mr. Guzzo if the existing school has a fire sprinkler system; he replied yes.

Mr. Russo asked Mr. Guzzo if the proposed addition will have a fire sprinkler installed; he replied yes.

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

Vice Chairman Neuer asked if any members of the public had any questions for Mr. Guzzo; there were none.

Mr. Williams called his next witness.

Diego Santos approached the podium and was sworn under oath. Mr. Santos detailed his educational and professional background as a licensed professional Planner and Engineer in the State of New Jersey. He stated that he has testified before other Boards in the State of New Jersey in matters similar to this and is present at this meeting instead of Mr. Petry. Mr. Santos possesses current New Jersey licenses as a Professional Engineer and a Professional Planner.

Vice Chairman Neuer accepted Mr. Santos as an expert in Civil Engineering and Planning.

Mr. Santos presented sheet SP2 of the Overall Plan dated 2/26/15.

Vice Chairman Neuer stated that sheet SP2 of the Overall Site Plan dated 2/26/15 was pre-marked as Exhibit A-3 for identification.

Mr. Santos referred to Exhibit A-3 and detailed the surrounding area and the school property. He detailed the parking areas stating that there is an upper and lower parking area that is separated by landscaping.

Mr. Santos presented sheet SP3 of the Layout Plan dated 2/26/15.

Vice Chairman Neuer stated that sheet SP3 of the Layout Plan, dated 2/26/15, was pre-marked as Exhibit A-4 for identification.

Mr. Santos referred to Exhibit A-4 and detailed the existing and proposed parking spaces. He said that they are proposing to move the handicap spaces close to the front entrance. Mr. Santos stated that they are also proposing a crosswalk and a handicap ramp.

Mr. Sussman stated that the current plans refer to the lots as separate lots.

Vice Chairman Neuer asked to see Exhibit A-7 again.

Mr. Williams stated that page two of the deed specifies that the lots were consolidated and that lot 18 was not included.

Mr. Santos presented sheet SP4 of the Grading and Steep Slope Plan dated 2/26/15.

Vice Chairman Neuer stated that sheet SP4 of the Grading and Steep Slope Plan dated 2/26/15 was pre-marked as Exhibit A-5 for identification.

Mr. Santos referred to Exhibit A-5 and detailed the plan. He said that the site is not a major development and they are not required to provide any water quality or recharge reports.

Mr. Santos presented sheet SP5 of the Lighting and Landscape Plan dated 2/26/15. Vice Chairman Neuer stated that sheet SP5 of the Lighting and Landscape Plan dated 2/26/15 was pre-marked as Exhibit A-6 for identification.

Mr. Santos referred to Exhibit A-6 and detailed the lighting that is being proposed for the new parking area. He also detailed what landscaping is being proposed stating that they will remove seven (7) trees and add three (3) red maple trees.

Mr. Williams presented a memo from the Township Forester. He said that the memo from Mr. Linson stated that he has no objection to this application.

Vice Chairman Neuer asked to have the memo dated 4/16/15 from John Linson, the Township's Forester, marked as Exhibit A-9 for identification.

Mr. Santos stated that they will address the following comments in the letter from Omland Engineering that is dated 4/3/15:

- Item #1 – lots were consolidated.
- Item #2 – applicant will comply.
- Item #3 – applicant provided memo from Township Forester confirming approval of tree removal.
- Item #4 – the applicant stated that the parking lot is not big enough to plant the number of trees required by the Township's ordinance. Vice Chairman Neuer stated that this comment from Omland Engineering constitutes a variance and that Mr. Williams can amend the application to include this variance. Mr. Williams stated that the trees are not there now. Ms. Weiss asked Mr. Russo if he thought they should leave the parking lot as it is now without trees; he said that the Township Ordinance stipulates that they need a certain number of trees for a certain number of parking spaces. Mr. Russo asked the Board Members how they felt about bringing the parking lot up to Ordinance or leaving it as is. Vice Chairman Neuer stated the Planner can testify if it would be impractical to plant trees in the parking lot because of its size.
- Item #5 – applicant will comply.
- Item #6 – Mr. Santos affirmed that the pavement grades within the proposed ADA compliant parking stalls meet the appropriate grades and cross slopes.
- Item #7 – Mr. Santos identified the accessible route and entrance of the ADA compliant stall on lot 18. Mr. Schwarzbaum asked Mr. Santos if the handicap parking spot on the lower level is accessible to the fields; he replied yes.
Mr. Bullock asked Mr. Russo if it was common to require 8" of asphalt for paving the driveway; he said that it is not uncommon. Mr. Russo said that raising the parking lot is the better option.
- Item #8 – Mr. Santos stated that there is adequate lighting in the parking lot and that they are not changing anything on the site; he said they are just adding parking spaces. Mr. Santos said that the lighting plan calls for additional light fixtures. Vice Chairman Neuer

asked Mr. Russo if he wanted the applicant to resubmit the lighting plans showing the new light fixtures; he replied no he will pass on item #8.

- Item #9 – Mr. Santos said the Architect will address the fire suppression system. He said that if the application is approved they will test the water pressure line and those numbers will be run by the Township’s plumbing inspector making sure that there is proper water pressure for the addition. Mr. Santos said that the new addition will be fully sprinklered.
- Item #10 – applicant will comply.
- Item #11 – applicant will comply.

Vice Chairman Neuer stated that item #4 is still open.

Mr. Williams stated that the site was previously approved without the applicant having to plant trees in the parking area. He said that he will amend the application to include the variance if the Board requires it.

Mr. Grygiel stated that the applicant is not adding any new parking spaces and that the trees were not required before so it is his opinion that the applicant does not have to plant the trees in the parking area.

Vice Chairman Neuer stated for the record that Item #4 is deemed satisfied.

Vice Chairman Neuer asked Mr. Santos if the new light fixtures will be identical to the existing light fixtures; he said they will be similar because the existing light fixtures are old.

Vice Chairman Neuer asked Mr. Santos if there is going to be consistency; he replied yes.

Vice Chairman Neuer asked Mr. Santos if they addressed the steep slope ordinance; he replied yes. Mr. Santos said that he addressed all of the questions regarding stabilizing the slope and flood hazard area. He said that the parking area was placed in an area with the least disturbance.

Vice Chairman Neuer asked Mr. Russo and Mr. Grygiel if they were satisfied with this; they both replied yes.

There were no further engineering questions for Mr. Santos from the Board Members or the Board Professionals.

Vice Chairman Neuer asked if any members of the public had any engineering questions for Mr. Santos; there were none.

Mr. Williams said that Mr. Santos will testify as the Planner.

Mr. Santos said that this application is an expansion of a non-conforming use and requires a “D” (3) variance. He said that a “C” variance is required for the additional parking spaces, the three story addition and the steep slope.

Vice Chairman Neuer asked Mr. Santos if construction is in a steep slope area; he replied yes.

Mr. Santos said that the application also requires a sign variance for the number of signs and the size of the sign.

Mr. Santos detailed the positive and negative criteria and the special reasons why the variances should be granted. He said, among other things, that there will be no visual impact on the neighbors or the area and that there will be no detriment to the public good.

There were no further planning questions for Mr. Santos from the Board Members or the Board Professionals.

Vice Chairman Neuer asked if any members of the public had any planning questions for Mr. Santos; there were none.

Mr. Williams summed up and requested waivers for the Traffic and Environmental Impact reports; Vice Chairman Neuer granted the waivers.

Vice Chairman Neuer asked if any members of the public wanted to offer testimony or commentary; there were none.

Vice Chairman Neuer noted the time and asked the Board Members if they wanted to forego a break and vote on the application; the Board Members agreed to forego the break.

Vice Chairman Neuer declared the public hearing closed.

Vice Chairman Neuer asked if any Board Members had any comments.

Ms. Weiss stated that this was a positive application and that she is in favor of voting yes.

Mr. Bullock asked Mr. Grygiel why the signage was not mentioned in his report; he said that the applicant submitted the proposed signs after the application was submitted. Mr. Grygiel said that the applicant amended the application to include signage.

Mr. Sussman stated that this is a good application and that he urges the other Board Members to vote yes.

Vice Chairman Neuer offered a motion to approve the preliminary and final site plan and all of the variances. He said that one "D" (3) variance addresses the four areas and that the deed of consolidation has been recorded. Vice Chairman Neuer also said that the testimony of the witnesses was credible and he praised the Planner's report stating that the negative and positive criteria were satisfied.

Mr. Sussman asked if the plans had to be revised to reflect the consolidated lots. Vice Chairman Neuer advised Mr. Williams to work with Mr. Grygiel and the Township's Tax Assessor to make it one lot.

Vice Chairman Neuer said that the condition will be compliance with the matters set forth in the Omland Engineering letter dated 4/3/15 regarding items #2, 5, 9, 10 and 11.

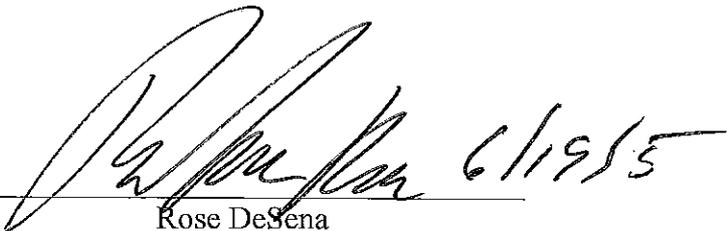
Ms. Gabry seconded the motion to approve.

The vote was as follows:

Bullock:	Yes	Steinhart:	Yes
Gabry:	Yes	Sussman:	Yes
Neuer:	Yes	Weiss:	Yes
Quentzel:	Yes	Chairman Buechler:	Recused
Schwarzbaum:	-		

The meeting was adjourned by Vice Chairman Neuer at 9:33 pm.

Adopted: June 18, 2015



Rose DeSena
Zoning Board Secretary