

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
May 21, 2015**

The West Orange Zoning Board of Adjustment held a regular meeting on May 21, 2015 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Buechler called the meeting to order at 8:07 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, , William Steinhart, Mark
Sussman, Alice Weiss

ABSENT: Irv Schwarzbaum

ALSO PRESENT: Paul Grygiel, Consulting Planner
Eric Keller, Consulting Engineer
Alice Beirne, Esq., Board Attorney
Joanne Carlucci, Acting Board Secretary
D. Dillon, Audio-Digital Transcription Service

ANNOUNCEMENTS

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

SWEARING IN

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

RESOLUTIONS

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

APPROVED 5-21-15

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

Ms. Gabry made a motion to adopt the resolution. Mr. Quentzel seconded the motion

The vote was as follows:

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

APPLICATION(S)

1. ZB-14-08/Sai Hira Ram Trust, Inc.

Carried From 4/15

Block: 177.02; Lots: 15.01 & 16; Zone: R-4
23-27 Laurel Avenue

Seeking “D” and several “C” variances for converting two properties to use as a house of worship and related uses

EXHIBITS

A-16	Drawing	A-200	Temple Floor Plans	Revised 4/30/15	Pre-Marked
A-17	Drawing	A-200	Temple Exterior Elevations	Revised 5/6/15	PreMarked
A-18	Drawing	A-101	Caretaker’s Cottage Plan	Revised 4/30/15	Pre-Marked
A-19	Drawing	A-201	Caretaker’s Elevation	Revised 5/6/15	Pre-Marked
A-20	Material Boards				Pre-Marked
A-21	Gazebo Samples				Pre-Marked
A-22	Layour Sheet	SP-2		Revised 4/30/15	Pre-Marked
A-23	Grading and Drainage	SP-3		Revised 4/30/15	Pre-Marked
A-24	Lighting Plan	SP-4		Revised 4/30/15	Pre-Marked
A-25	Landscape and Tree Replacement	SP-5		Revised 4/30/15	Pre-Marked

Vice Chairman Neuer recused himself from hearing Application ZB-14-08/Sai Hira Ram Trust, Inc. He stepped down from the dais.

Chairman Buechler introduced application ZB-14-08/Sai Hira Ram Trust Inc. and invited Mr. Robert Williams, Esq., attorney for the applicant, to begin his presentation

Mr. Williams approached the podium. He said once again he was appearing before the Board on behalf of the applicant stating that the prior appearances were September 18, 2014, January 15, 2015 and February 19, 2015.

Mr. Williams continued that during all the meetings there was a great deal of dialogue between the Board, applicant and members of the public. He continued to update the Board stating that after the February 19, 2015 they met with community objectors who partook in the hearings subsequently, revised plans were submitted which they will give evidence to this evening. Mr. Williams further stated that due to the significant changes made to the site in response to the Board and the neighbors comments he would like to call Mr. Michael Petry up to describe them.

Chairman Buechler had a question concerning the plans submitted last November.

Mr. Williams said they could be discarded.

Ms. Weiss stated that she had some questions on the old pictures which she had brought with her regarding the exterior.

Mr. Williams stated that the architect was present and he would go over Ms. Weiss's concerns.

Mr. Williams called Michael Petry to the podium. He was sworn under oath.

Chairman Buechler stated that Mr. Petry was previously accepted by the Board as an expert in the field of engineering and would continue with that designation for the evening.

Mr. Williams asked Mr. Petry to describe to the Board the changes that have been made to the site from the last proposal which was marked exhibit A-2 on 1/5/15 and the new proposal that has been revised through 4/30/15 marked A-22 for the record.

Mr. Petry stated in general what was done was to make modifications in response to the comments that were made by both the Board and by the neighbors. The garage with the apartment above it that was in the back of the building was eliminated which allowed the applicant to increase the setback of the proposed building to over 70 feet; move the daily prayer chapel from the caretaker's house to the right side of the main building leaving the caretaker's house as just that; remove the surface basin located along the Laurel Avenue right-of-way which was perceived as a potential hazard/maintenance headache and finally increase the landscaping buffer in the rear and along both sides of the property to increase the screening between the applicant and the adjacent neighbors.

Chairman Buechler asked if the size of the main building was increasing or decreasing in square footage.

Mr. Petry responded that he would let the architect specifically address this, but it had decreased in size.

Chairman Buechler stated for the record that by the redesign the driveway that went behind the building on the right side of the property was also reduced and also asked if the impervious coverage was increased.

Mr. Petry responded that by eliminating the garage in the back the applicant created a situation where there is no need of vehicle access to the back of the building. We have decreased the impervious coverage; on straight analysis it is in conformance with the 40 percent maximum. So by sliding the building forward we have held the 125 foot front setback; increased the rear setback to 70 and have a minimum side to our north of 63.83 and to our south of 123.99.

Chairman Buechler asked about the footage from the parking lot on the right hand side to the property line.

Mr. Petry stated that the parking is setback 20.83 feet from the property line. That is an increase of what was proposed before. They have maintained 46 parking spaces. All of these spaces are in front of the rear of the building. Parking stops about 134 feet from the rear property line. A two car garage in the caretaker's home will be serviced by the separate driveway. Since there is no space open to the public the handicapped access to the building has been eliminated. They have maintained access to the refuse area which remains on the side of the caretaker's house. A lighted walkway has been provided as previously discussed by the Board.

Chairman Buechler inquired about a walkway from the parking lot to the front of the caretaker's house.

Mr. Petry responded that there is a walkway from the parking lot to the front and to the rear of the caretaker's house. Also, the entry driveway to both the main parking lot and to the caretaker's home remain in the exact same place as what had been previously discussed.

Mr. Petry referred to the grading plan SP-5 which has been marked P-23 for the record. He stated that the recharge system on the side of the proposed temple has been eliminated because of the concern from the Barton Drive residents who felt by putting water in the ground would further exacerbate the problem that exists in their basements today. He continued that doing this required an increase in the size of the detention system that is in the front which is still located below the driveway and overall it remains in compliance with the Township's storm water management standards. He further stated that by moving the building forward they have realigned the easement that was offered before which comes through the site in front of the building and service the lots immediately to the North.

Chairman Buechler asked if the issue with the two homeowners to the North had been resolved regarding the pipe being built under the easement.

Mr. Williams responded that he has not been contacted by them therefore there is no agreement with them at this time. He stated there was a comment by the Municipal Engineer that it would be nice if we put the pipe in for them. However, our position is that the easement is sufficient.

Mr. Petry referred to SP-4 marked A-24 for the record which is the modified lighting plan. He proceeded to explain that the plan was modified to use LED lighting; fixtures would remain at 12 ft. mounting heights; bollard lights at 42 in. high, the light level at 36 in. will service the walkway to the rear of the building and will line the walkway that services the refuse area next to the caretaker's house.

Chairman Buechler asked if there were bollards on the front sidewalk coming from the parking lot to the front of the caretaker's house.

Mr. Petry replied that there is one bollard at the turn at the front of the caretaker's house, there is lighting that's proposed on the building that will be adequate as in any single family home.

Chairman Buechler inquired if those bollards are on the plan.

Mr. Petry stated that all the bollards have been incorporated on the plan and that the LED lights will provide a well-balanced parking lot lighting system.

Mr. Petry referred to SP-5 marked A-25 for the record which is the landscape changes, many of which were discussed with the abutting neighbors. The number of trees that were proposed for removal have been significantly reduced. The Township Forester requested additional trees be removed along the common property lines between this lot. This can be done, however, according to his count there would be only 26 trees left to be maintained which would result in a variance. A variance will be requested this evening but it could be eliminated if the Forester would let one more tree remain. They have incorporated the evergreens that we have maintained in front which are a series of Blue Spruce, Norway Spruce and White Pine. This has been carried along the northwesterly and westerly property lines along an existing six foot high wall. The wall has been extended at the neighbor's request down to the southwesterly property corner. There is a short landscape wall that runs along the southerly property line. At the request of the Forester we have incorporated in fill evergreen trees along and within that area. All of these are Blue Spruce and are being put in at a ten feet height which matches what has already been planted along the driveway and creates a significant buffer. In the rear portion of the property which is going to be a lawn area we have incorporated a series of Red Maples. When the foliage comes out it will create a stepped buffer for the residents in the rear.

Chairman Buechler asked if a Fire Truck would have access to drive around the entirety of the building.

Mr. Petry responded that there is not a fire lane around the building and doesn't believe one is required. However there is fire truck access on two sides of the building.

Chairman Buechler asked if a fire lane is required.

Mr. Keller responded that his belief is that it is not.

Chairman Buechler asked where the nearest fire hydrant was on site.

Mr. Petry replied that that there is a fire hydrant located at the driveway to the caretakers house. However it has been requesting for it to be relocated to the Southerly side of that driveway.

Chairman Buechler asked if the Fire Dept. has responded to that request. He was told by Mr. Petry that they have not. The Chairman stated that it would have to be a condition. Both Mr. Petry and Mr. Williams agreed.

Mr. Williams asked Mr. Petry about two pillars at the entryway to the site one of which contains a small sign.

Mr. Petry informed him that the idea for the monument sign by the driveway came from the Crestmont Country Club and they actually mimicked their pillars and signage.

Ms. Weiss asked if that was in their package. Mr. Petry replied that it was on the detail sheet. There was a dialogue regarding this matter between Mr. Petry and Ms. Weiss.

Mr. Petry stated he had nothing further. Mr. Williams said he had a couple of more questions for him.

Mr. Willams and Mr. Petry had a dialogue highlighting the changes, which Mr. Petry testified to, from the first application and concluded that the major change was that the building was moved forward and a better buffer was provided.

Ms. Weiss stated that a major change according to Mr. Grygiel's report was the existing building being demolished.

In response to Ms. Weiss's statement both Mr. Williams and Mr. Petry confirmed that the existing building would be totally demolished.

Mr. Williams stated that they met with a neighbors to the rear of the property and owners of Lot 22.05 wanted additional trees planted on their property. The applicant agreed to plant the trees. Since it is not part of the plan he wants to make it a condition of approval to represent that they will comply with the neighbors request.

Chairman Buechler asked where would deliveries to the temple be received.

Mr. Petry responded that all deliveries would happen in the front where there is actually a ramp access so deliveries can come into the drop off lane and load into the front and pull out.

Chairman Buechler asked if the temple hours of operation are the same as what they were previously testified to be and if it still was a two story building.

Mr. Petry responded that the temple hours were the same as previously testified to and that it was a two story building with a partial basement which the architect will get into.

Chairman Buechler asked if there is an elevator with the changes.

Mr. Petry didn't recall, but believes there is an elevator.

Mr. Williams said to Mr. Petry that there is one area in the back that you didn't show a stairwell.

Mr. Petry replied that in finalizing the plans the architect had a stairway coming out of the basement that is not shown on our plans. It doesn't make a material change but our plans don't show the exit stairwell coming out of the rear of the basement.

Chairman Buechler asked if it is just an additional mean of egress and ingress and Mr. Petry agreed with that statement.

There was dialogue between Chairman Buechler and Mr. Petry concerning ingress and egress to the building which finally Mr. Petry stated that he would let the architect clarify when he testified.

Chairman Buechler asked the Board if they had any questions for Mr. Petry. The Board had no questions at that time.

Chairman Buechler asked Mr. Grygiel and Mr. Keller if they had any questions. Mr. Grygiel had no questions.

Mr. Keller asked if the wall being extended along the westerly property line is consistent with the style and construction to the existing wall which is a concrete block wall and if the homeowners in the area were agreeable to a six foot concrete block wall.

Mr. Petry stated the extended wall was consistent with the existing wall but the six foot wall is in the rear of the property and in fact the homeowners requested it.

Mr. Keller stated that he did not find any details on the plan and asked what it would be finished with.

Mr. Petry apologized for not having the details on the plans and would correct it and continued to describe the existing wall as not a retaining wall but a screen wall, a freestanding block wall stucco on both sides and the new extended wall would be the same.

Ms. Weiss stated that this was a totally different wall then the low wall behind Barton Drive she saw on the detail sheet.

Mr. Petry explained that was a 12 inch high landscape wall and what Mr. Keller was referring to was the six foot concrete block wall in the rear of the property.

Mr. Keller asked instead of a fence they have a solid concrete wall and the homeowners agreed to that.

Mr. Petry replied that is what the neighbors requested.

Mr. Keller stated that Mr. Petry referred to a 12 inch high landscape wall but the plans say 18 inches high.

Mr. Petry replied its two block high and varies in height. The blocks are eight inches so the height can be from 12 to 16 inches depending how the land slopes from the Temple toward Barton Drive.

Mr. Keller asked if the neighbors are going to see the face of the wall.

Mr. Petry replied that face of the wall will be facing into the property. The purpose of the landscape wall is so that the storm water runoff from the lawn area doesn't get to Barton Drive.

Mr. Keller asked Mr. Petry how they were going to cut the existing ground so that its lower and drains away from Barton Drive.

Mr. Petry replied that they would install the wall and mulch the landscape bed behind the wall so that the area is above the lawn area.

Mr. Keller asked that the plans be clarified regarding the modifications to the contours so that it is clear as to how that's going to work. Mr. Keller informed the Board that he didn't receive the plans until Monday afternoon in the mail which is why they do not have a review letter from him.

Chairman Buechler asked Mr. Keller from an engineering standpoint would this work. He continued that he did not think mulch could be used to change an elevation because it would wash off.

Mr. Keller responded that the intent of wall is to help remove the surface flow that comes into the backyards of the neighbors on Barton Drive and maybe reduce some of the ground water that gets in their basements today. This is a technical issue that Mr. Petry and his office can deal with.

Ms. Weiss stated that ultimately Mr. Petry will work out something that Mr. Keller feels is adequate.

Mr. Petry stated that from past dealing with Mr. Keller technically they will be able to work through any engineering issues that come up in his report and any other actions the Board takes

Chairman Buecler asked Mr. Keller if he had any other issues to raise with Mr. Petry.

Mr. Keller suggested changing the lawn drain piping from eight inch to 12 inch. He also suggested Mr. Petry modify the piping system for the underground detention system so that its not going to eliminate the ability to plant there.

Mr. Petry was agreeable to these changes.

Mr. Keller stated that he was going to need descriptions for the sight triangle easements, they need to be recorded and to be appropriately approved by his office and by legal counsel. He also stated that the sewer easement due to a failing septic systems at some point will need to be replaced. They now run through the drop off lane right at the front of the church then runs across through the parking lot to the property line that abuts the neighbors.

Chairman Buechler stated that it was his understanding that it's not going under the building itself.

Mr. Keller replied that it was never under the building it was always in the parking lot. He continued to describe how and why a manhole will be needed at the sewer easement. He continued to state that they need to come to an agreement and plan as to how they are going to do that. The concern is if the sewer line goes in later it will be difficult getting into the front of the church because the work with happen in that drop of lane.

Chairman Buechler asked if the Town would be to pay for the sewer hookup.

Mr. Keller stated because it is on someone else's property the Town would do the work and would recoup the cost by an assessment to those properties.

Chairman Buechler stated that there isn't a legal or factual basis to compel the temple to foot the bill for putting in the piping. They have to give an easement which they are willing to do. He continued to state that is why I asked Mr. Williams earlier if the issue with the two homeowners to the North had been resolved regarding the pipe being built under the easement. We cannot force them to do what is right but neither can we force the applicant. He agreed that Mr. Petry had to refine his drawings in that section in the front of the building.

Mr. Keller agreed and added the applicant needs to weigh what the additional cost is to put in the the manhole and some piping versus the potential disruptions to their operations.

Chairman Buechler suggested that maybe have Mr. Lepore call the neighbors to say that it behooves them to reach out to Mr. Petry or Mr. Williams now because it is economically to their advantage to do it today than to wait a year or more. He continued to tell Mr. Petry to make those changes because the revised finalize drawings will be a condition that will have to be done.

Mr. Keller noted Chairman Buechler's suggestions.

There was a dialogue between Chairman Buechler, Mr. Quentzel, Ms. Weiss and Mr. Keller regarding what the cost would be to the neighbors

Chairman Buechler asked Mr. Keller if he had anything else.

Mr. Keller responded that he had a standard condition that they need a review from the fire official. He continued that there's a well indicated on the plan, well closure will be needed from the Health Department. He further stated that County Approval would be a condition and obtaining building permits for the six foot concrete wall.

There was dialogue between Mr. Keller and Chairman Buechler regarding an Engineer's Estimate of the site improvement cost.

Chairman Buechler asked the Public Advocate, Mr. Grossman if he had any questions, he responded no.

Chairman Buechler asked if any member of the public had any questions.

Mr. Travis McManigal of 5 Allsop Court approached the podium. He asked Mr. Petry if the gazebo was primarily used for meditation purposes or for some sort of ceremonial purposes.

Mr. Petry replied that it was used for meditation purposes only and added it also had a fountain.

Mr. McManigal asked just how big is the overall square footage of the new design.

Mr. Buechler told Mr. McManigal they would come back to his question but wanted to know what happened to his counsel Mr. Trautner from Wolf and Samson.

Mr. McManigal replied that he asked them to step down since he was negotiating directly with the applicant.

Chairman Buechler asked Mr. Williams if he had any objection to this and Mr. Williams said he had no objection.

Mr. Petry responded to Mr. McManigal's question saying the architect would be better suited to talk to you about the overall square footage.

Mr. McManigal explained the reason he asked that question had something to do with the parking. He stated that he really liked the fact there is less parking since his property is behind it. However, his concern was what if the property was sold what would prevent the new owners to add parking places due to the extra square footage which could create a negative impact to his property.

Mr. Petry began to explain certain restrictions the Township had regarding impervious coverage and steep slope ordinance pertaining to this application.

Chairman Buechler stated that he thought the answer to Mr. McManigal's question is given the current state of law and the Town's ordinances if the property was sold two years later and they wanted to change or pave the parking lot they would have to come back before the Board to seek a variance.

Mr. McManigal also stated that he was concerned about the lighting specifically in the back over the stairwell. He wanted to know if the lighting could be triggered by some type of motion detector.

Mr. Petry responded that these lights are bollards the light source is at 36 inches so its that high off the ground which shouldn't be intrusive to anyone living behind it. A motion detector could be put on but he didn't know if it would be worthwhile for something that low.

Mr. McManigal thanked the Board and Mr. Petry and stepped down from the podium.

Chairman Buechler asked if any other members of the public had any questions for Mr. Petry.

Ms. Michal Kasher of 11 Barton Drive approached the podium.

Ms. Kasher asked Mr. Petry if he could show the Board where Barton Drive is related to the site.

Mr. Petry indicated that Barton Drive is located along the left side of all the plans.

Ms. Kasher stated she was concerned that there was only one choice to exit from Barton Drive, Laurel Avenue, which is a County road with high traffic volume. She continued to ask Mr. Petry if he was ever at the site.

Mr. Petry replied that not only has he been to the site but traveled Laurel Avenue to get to his office.

Ms. Kasher asked Mr. Petry if he has been on Barton Drive and tried to exit the street on the right or left.

Mr. Petry replied that he has been on both of the driveways that currently service the site.

Ms. Kasher asked Mr. Petry if there were bushes along Laurel Avenue.

Mr Petry replied that there was actually a stone wall along the frontage of the subject property and runs along the frontage of the corner property on Barton Drive and Laurel Avenue.

Ms. Kasher was making statements to Mr. Petry regarding overgrown bushes. Mr.Quentzel and Chairman Buechler reminded her that she was to ask Mr. Petry questions not argue with him.

Ms. Kasher continued to state how the bushes obstruct the view. Once again she was admonished by Chairman Buechler about asking questions only and she would have a chance at the very end if she wanted to make a statement to the Board.

Chairman Buechler asked Mr. Petry if there were bushes along the front of the property.

Mr. Petry replied that there are trees and shrubs along the front of the property behind the wall and have grown over the wall. He continued to state that actually the wall will be eliminated and the landscape will be pulled back from the road so to add better sight visibility and we have incorporated this into the plans.

A dialogue followed between Mr. Petry and Ms Kasher regarding the maintenance of the property and the landscaping. Chairman Buechler asked Ms. Kasher once again to ask questions and that she would get a chance to make a statement under oath at the end.

Chairman Buechler asked if any other members of the public had questions for Mr. Petry.

Tal Benzvi of 5 Allsop Court approached the podium.

Mr. Williams asked Mr. Benzvi to show the Board where you live on the Plan. Mr. Benzvi indicated where his house was on the plans.

Mr. Benzvi asked a question pertaining to the landscaping. He asked if the trees would be 15 feet high.

Mr. Petry responded that the Red Maples would be 15 feet high at planting.

Mr. Benzvi stated that when they met with the applicant they asked for trees to be planted in front of the parking for screening.

Mr. Petry had a dialogue with Mr. Benzvi regarding the types and height of trees that would be planted as a screen for the parking lot.

Chairman Buechler asked Mr. Petry if where he was indicating was 130 ft. from the property line.

Mr. Petry replied affirmatively.

Chairman Buechler asked Mr. Petry that between the property line and there, there is going to be a row of Norway Spruce and Red Maples.

Mr. Petry responded there is a Blue Spruce and a double row, staggered of Red Maples between the property line and the building.

Mr. Grygiel stated there will also be a six foot high wall.

Chairman Buechler stated that he was trying to create the record that there will be 130 feet, three or four rows of trees and a concrete wall.

Mr. Benzvi asked Mr. Petry how many parking spaces there are.

Mr. Petry replied that there are a total of 46 in the main parking lot to service the temple. There are two in the garage that service the caretaker.

Mr. Benzvi asked according to the parking ordinance how many are there supposed to be for a project this size.

Mr. Petry answered the ordinance requires us to have 73 spaces total. He continued to explain the requirement of the parking ordinance regarding this application.

Mr. Benzvi asked Mr. Petry about his previous testimony regarding moving the mediation room from the small building to the large building and the hours of operation.

Mr. Petry confirmed for Mr. Benzvi that he previously testified that the small building would be operational at certain hours and the large building only on Thursdays.

Mr. Benzvi said that if he recalls correctly the large building will be utilized every day.

Mr. Petry agreed this was correct.

Mr. Petry and Mr. Benzvi had a dialogue regarding the security lighting; trash disposal by the caretaker; elevation and placement of the extended concrete wall; water flow from the gutters

Mr. Benzvi thanked Mr. Petry and the Board and left the podium.

Chairman Buechler asked if there were any more question for Mr. Petry.

Mr. Keller had one or two more questions for Mr. Petry. He asked if the existing evergreens on the Barton Drive property line affected the sight lines out of the driveway because they extend into the right-of-way.

Mr. Petry replied that the traffic expert would testify about sight distance as well. He continued to state that they haven't proposed to change or to remove them. He further stated that he did not believe that they affected the sight distance since they are behind a wall and you would have to get pass the wall to see.

Mr. Keller suggested that if one or two of the trees affect the sight distance out of the driveway or out of the main driveway that they could be pulled back.

Mr. Petry stated that they would have no issue with that.

Seeing there were no further questions Chairman Buechler excused Mr. Petry.

Mr. Williams called Mr. Joseph Staigar to the podium where he was sworn under oath.

Mr. Williams asked Mr. Staigar what is your occupation which Mr. Staigar replied he was a professional civil engineer, licensed in the State of New Jersey.

Chairman Buechler stated that they would accept Mr. Staigar's expertise as a licensed traffic engineer since he has testified before this Board on numerous occasions. He continued to make it clear that the only report they had was Mr. Staigar's revised report dated November 5, 2014.

Mr. Staigar confirmed that was correct.

Mr. Williams asked Mr. Staigar if he was retained by the applicant to do a traffic analysis of the improvements proposed for this development.

Mr. Stager responded affirmatively.

Mr. Williams asked Mr. Staigar to tell the Board what he did and what were the results.

Mr. Staigar proceeded to tell the Board he had taken traffic counts on Laurel Avenue during peak hour times, rush hour times, between four and six pm to determine the characteristics of peak hour volumes on the roadway. However, during that time period this house of worship is going to generate a nominal amount of traffic.

Chairman Buechler asked if he did any counts at the morning rush.

Mr. Staigar stated no that he only did the afternoon rush and it was primarily for comparative purposes to determine what the midday peak hour volumes were, compared to what the rush hour volumes are. He continued to state that the facility will generate traffic during the midday, on a week day, primarily Thursdays between 11:00 am and 1:00 pm and then on the new moon and the full moon. So it will vary depending upon which day of the month it is. He further stated that the differential between the traffic volumes of the midday versus the pm peak hour is that the midday peak hour occurred statistically when we took counts between 11:45 and 12:45 pm 656 vehicles traveling two way on Laurel Avenue compared to the pm rush hour between 4:30 and 5:30 of 1,040 vehicles. The point is the facility is not coincidental with the peak hour of the roadway. It will not be generating traffic of a significant degree that's coincidental with the peak hour of the roadway. It's going to be off peak.

Mr. Staigar stated that the next step was to determine how many vehicles could be generated by this facility. The application states a maximum of 75 attendees at any given time. At present there are about 29 attendees. Using the ITE trip generation of a church service which is similar to 75 attendees would generate 48 vehicles in and out of the driveway.

Chairman Buechler asked the driveway meaning the proposed driveway for the temple.

Mr. Staigar stated yes for the temple. He continued to state that the site would not have any negative impact on traffic conditions because they are a low trip generator because its significant amount of traffic during the non-peak hours of the roadway and generates nominal traffic during the peak hours of the roadway. He also stated that working closely with Mr. Petry in the design of the site would ensure that there is safe access to the site.

Mr. Staigar continued to describe how AASHTO standards were used to ensure that there is adequate sight visibility. He continued to state that since they are on a County road they will need to make a County application for this driveway and they will be looking specifically at those standards as well. He also stated that the site will operate safely and efficiently and have relatively no impact on traffic conditions.

Mr. Williams had no more questions for Mr. Staigar.

Chairman Buechler asked Mr. Staigar if he helped with the design of the parking and the space between the aisles.

Mr. Staigar replied yes and that the parking aisles are minimum of 24 feet.

Chairman Buechler asked if there was any issue with the parking circulation.

Mr. Staigar responded that no, there is adequate room for all types of vehicles such as delivery vehicles, even a fire pumper would be able to get into the site.

Chairman Buechler asked Mr. Staigar if it would be a reasonable condition that to say no deliveries on Thursdays during the temple's peak operational hours between ten a.m. and two p.m.

Mr. Staigar agreed that it would be logical.

Mr. Buechler asked Mr. Staigar if he examined the traffic flow or sight distance or any issues at the corner of Barton Drive and Laurel Avenue and the impact of this site from that intersection.

Mr. Staigar replied that there would be no impact.

Chairman Buechler asked if he did any traffic counts at the corner of Barton Drive and Laurel Avenue because he did not see them in his report.

Mr. Staigar responded that he did not think they were pertinent. Traffic counts were taken but they were taken for the first application which was a number of years ago and he has been to the site on numerous times and hasn't seen any congestion of Barton Drive traffic.

Chairman Buechler asked based on the proposed design if Mr. Staigar had any issues with sight distance from the two driveways on the site for ingress and egress based upon where the bushes and the trees are situated.

Mr. Staigar replied no. He further stated that the sight triangles are designed for the driveways and those bushes and trees are outside those triangles.

Ms. Weiss asked if Mr. Staigar if he thought it was difficult today to sight from Barton Drive.

Mr. Staigar replied that though there is some sight impediment it doesn't meet or exceed the AASHTO standards there is at least three hundred and twenty five feet of sight distance at Barton Drive today.

There was a dialogue between Mr. Staigar and Ms. Weiss regarding the ability to see coming out from Barton Drive. It concluded that there was not endless or infinite visibility but enough to execute a safe movement out.

Mr. Bullock asked Mr. Staigar what he meant by some impediment.

Mr. Staigar replied that some of the buses that are within the right-of-way are overhanging. There is also a curve in the road further down but it's much further than the distance you would need to safely move out of the site. He further stated that in his professional opinion there is no safety deficiency on Barton Drive today or will be in the future.

Chairman Buecler asked if any other members of the Board had questions for Mr. Staigar.

Ms. Gabry asked Mr. Staigar if he had any idea what the traffic is in and out of the caretaker's driveway.

Mr. Staigar replied that there is only two garages. So it would be similar to a single family home.

Chairman Buechler asked if Mr. Keller or Mr. Grygiel had any questions for Mr. Staigar.

Mr. Keller responded no.

Mr. Grygiel asked assuming the project is approved and the facility is built if the congregation changes the day of worship to Saturday or Sunday would it still be at non-peak hours as far as the traffic impact.

Mr. Staigar replied that the peak time are the typical week day morning, week day evening peak hours seven to nine, four to six. Even if the days changed the impacts would be the same because it would not be during morning rush hour or evening rush hour during the week.

Chairman Buechler asked Mr. Grossman if he had any questions. He responded he did not.

Chairman Buechler asked if any member of the public had any questions. He acknowledged Ms. Kasher.

Ms. Kasher stated her name for the record. She asked Mr. Staigar how many days did he measure the traffic.

Mr. Staigar replied most recently they went out there three days. He explained that he had been working on this site for a number of years since 2009. He stated that he has been on Laurel Avenue probably fifty times.

There was much dialogue from Ms. Kasher concerning gaps in time of the traffic counts Mr. Staigar performed for this site.

Chairman Buechler asked Mr. Williams to confirm that his notes were correct regarding the hearing dates.

Mr. Williams confirmed the prior dates stating that this was the fourth hearing.

Ms. Kasher continued to ask Mr. Staigar why he hadn't presented new data for these traffic counts. A discussion resulted explaining to Ms. Kasher that he did new data and it was presented

at the meeting that evening. She continued with a barrage of statements one of which is she was representing many people who live there which Mr. Williams objected to.

Ms. Weiss stated that the Board is very concerned about the neighbors and thought the applicant was too since they have gone to great extent to try and alleviate the problems of the neighbors.

Ms. Kasher asked Mr. Staigar when he recently did the traffic counts.

Mr. Staigar gave the dates of the prior traffic counts he performed and said the most recently updated report is dated November 5, 2014.

Ms. Kasher asked how many hours in the last count did you measure on Laurel Avenue.

Mr. Staigar replied six hours between eleven a.m. and one p.m. and the between four p.m. to 6:30 p.m. to get comparative purposes.

There was dialogue between Ms. Kasher and Mr. Staigar referring to the times that the congregants would be coming to the site for services; if in the future there would be other activities for different purposes in the facility.

There was an extensive discussion between Ms. Kasher, Mr. Staigar, Chairman Buechler and the Board regarding left hand turns into the site from Laurel Avenue and various concerns Ms. Kasher had regarding the ingress and egress from her property.

Chairman Buechler asked Ms. Kasher if her concern was that this generates too much traffic for Barton Drive and that it shouldn't be built.

Ms. Kasher replied that it generates a hazard the all the traffic on both sides of Laurel Avenue.

Chairman Buechler asked Ms. Kasher if she looked to see what somebody could build on this property without getting a variance to see what kind traffic could theoretically generate.

Ms. Kasher answered no.

Chairman Buechler if anyone else had questions for Mr. Staigar. Mr. Benzvi indicated he did he was invited to the podium.

Mr. Benzvi stated that he read Mr. Staigar's reports one from 2014 and then a revised one. He questioned the schedule for prayer session which was submitted for the two other days as being held six p.m. to 8 p.m. with a typical attendance of 40 people not eleven a.m. to one p.m. like it stated in the report.

A discussion between Mr. Benzvi, Mr. Staigar, Ms. Weiss, and Chairman Buechler arose regarding where in the report was the schedule for prayer session for the other two days as being held six p.m. to eight p.m.

Mr. Staigar claimed that he did not prepare this report [exhibit A-6] and would be presenting a new one that would be updated to May 2015 to show the time period. Mr. Staigar further stated that his testimony is that the main services for this house of worship will be between eleven a.m. and one p.m.

Chairman stated he wanted to clarify that the traffic on Laurel Avenue does not impact Mr. Benzvi personally because he lives on Barton Place and does not exit out on to Laurel Avenue in front of the site.

Chairman asked Mr. Benzvi if he had anything further for Mr. Staigar.

Mr. Benzvi questioned the day of the traffic count Mr. Staigar did in September. It had September 14, 2014 in the report which was a Sunday not a Wednesday as Mr. Staigar had stated and which would make a difference in the count.

Mr. Staigar stated that he did not count on a Sunday but a Wednesday.

Upon a dialogue between the Board and Mr. Staigar it was determined that it was a typo on page 3 of the report the actual traffic count is at the end of the report and is Wednesday, September 17, 2014.

Mr. Benzvi stated that he found in a report Mr. Keller submitted, in September, he asked you to install an automatic traffic recorder for a period of seven to 10 days and asked Mr. Staigar to explain what this was.

Mr. Staigar explained that an automatic traffic recorder is tubes in the roadway if you want to take 24 hour counts for seven days, rather than have someone actually count cars.

Mr. Benzvi asked Mr. Staigar if this was done and is it in the November report in anyway.

Mr. Staigar responded he did not do an automatic traffic recording he didn't think it was necessary since the key point is that it is to know what the volumes are midday. There is a differential between midday volume and peak hour volumes of 400 vehicles. This site is not going to generate anywhere near 400 vehicles. This site will generate traffic during non-peak hours.

Mr. Benzvi asked Mr. Staigar if he thought this report was necessary.

Mr. Staigar responded he did not believe it to be necessary.

Mr. Benzvi stated there is no left turn from Laurel Avenue if you are coming from 280 into the site. He asked Mr. Staigar if there was a plan to change that.

Mr. Staigar asked if there was a restrictive sign for left turns. Mr. Benzvi responded that there were double yellow lines.

Mr. Staigar stated there are no signs that disallows left turns into the site and explained that double yellow lines indicate no passing. It is legal to make a left turn across solid double yellow lines.

Mr. Benzvi stated that in his report Mr. Staigar wrote that the amount of parking provided meets the Township Ordinance but Mr. Petry testified that they are required 78 spaces not 48.

Mr. Staigar replied there is a variance and we do not meet the requirements of the specific technical requirements of the Ordinance because the Ordinance requires the calculation based on the entire floor area. So it is an error on his part.

Chairman Buechler stated before he excuse Mr. Staigar if Mr. Keller could look at his November 17, 2014 memorandum to the Board item 38. The original report recommended a seven to ten day continuous traffic count. Based on the information Mr. Staigar provided was the need for the continuous traffic count retracted.

Mr. Keller replied that it was.

Chairman Buechler excused Me. Staigar and called for a 10 minute break.

(The Board recessed from 10:02 p.m. to 10:12 p.m.)

Chairman Buechler announced that they were back on record and asked Mr. Williams if his next witness was the architect.

Mr. Williams called Drazen Cackovic to the podium where he was sworn under oath.

Chairman Buechler stated that he previously testified on September 18, 2014 and was qualified by the Board as an architect.

Mr. Williams asked Mr. Cackovic that since the last meeting here on February 19, 2015 we revised the plans at the request of the neighbors and comments from the Board and he submitted a new A-100 which is marked A-16 for the record and amended through April 30, 2015.

Mr. Cackovic responded that this was correct.

Mr. Williams asked Mr. Cackovic to highlight for the Board the changes that were made to the temple floor plans.

Mr. Cackovic stated that the main changes included the addition of the mediation room that was moved from the caretaker's cottage to the temple building and the reduction of the size of the lower level story. He pointed out to the Board that there was much less of the lower level that is exposed. Mr. Cackovic continued that there are three major changes that have been made to the building, in addition to revising the exterior design and changing the materials.

Ms. Weiss asked a question about the exterior. She want to know if it is red brick now.

Mr. Cackovic responded affirmatively.

Ms. Weiss asked Mr. Cackovic if they are keeping the stone on the caretaker's house. Receiving an affirmative reply from Mr. Cackovic she stated that the stone on the new plan didn't seem to match the plan on the temple.

Mr. Cackovic referred to exhibit A-19 which shows the caretaker's house. He continued that in the upper left corner you see the front elevation and you see the simulation of what the existing stone front looks like which will remain exactly the same.

Ms. Weiss asked if the color of the caretaker's house would be beige referring to the pictures she had.

Mr. Cackovic referring to Exhibit A-20, which showed the actual materials and colors, affirmed that the color was beige.

Ms. Weiss asked if the roof of the temple would stay the same as per a previous discussion.

Mr. Cackovic stated that they were proposing to make a change. Referring to Exhibit A-17 stated they previously proposed a metal roof but now have changed it to a standard asphalt shingle roof. Typical for residential houses in than neighborhood.

Chairman Buechler asked what the proposed total square footage of the temple and if it was for both floors.

Mr. Cackovic replied 9,539 square feet for both floors. He further stated that the previous submittal had 12,507 square feet. So it has been reduced even though the mediation room was added. He continued that they have actually reduced the size of the building by reducing the lower level area.

Ms. Weiss asked if changes were also made to the caretaker's house square footage wise.

Mr. Cackovic replied that the last submittal had 3,098 square feet for the caretaker's house. It is now 2,257 square feet. It went down 700 square feet approximately the size of the mediation space that was moved to the temple.

Mr. Sussman asked if the reduction on the size of the temple is because the lower level was made smaller or is it a smaller first floor as well

Mr. Cackovic answered that it is mainly the lower level.

Mr. Sussman stated that then the first level is essentially the same size as it was before and asked for the square footage breakout for that floor.

Chairman Buechler stated the first floor couldn't be the same size because the mediation room was added.

Mr. Cackovic stated that it is smaller. It went from 6,303 square ft. to 6,139 sq. ft. due to a couple of small changes. The bathrooms, the kitchen and storage areas were made smaller.

Chairman Buechler asked if the bathrooms were still ADA compliant and Mr. Cackovic replied they were.

Mr. Sussman asked if Mr. Cackovic could give him the same two numbers for the lower level.

Mr. Cackovic responded that previously the lower level was 6,196 square ft. and is now 3,400 square ft.

There was dialogue between Mr. Cackovic and Chairman Buechler regarding an elevator connecting the first floor to the lower level; how many means of egress from both the first floor and the lower level to the outside and if deliveries would go through the front door.

Ms. Gabry stated that Mr. Cackovic previously testified that the basement would only be for storage and wanted to know if that was still the case.

Mr. Cackovic replied that was still the case. There is a large storage area under the prayer hall, a smaller to the right and the rest is mechanical, electrical, elevator and one bathroom only.

Mr. Sussman asked if there had been an office down there. Mr. Cackovic replied there was but its gone.

Mr. Willams stated that the kind of got off track and suggested highlighting Exhibit A-30.

Mr. Cackovic proceeded to show the proposed brick and roofing material. He proceeded referring to Exhibit A-17 to describe the main elevation and entrance to the temple; a disabled accessible ramp and the rear and side elevations.

Mr. Williams stated that they were also proposing a sign.

Mr. Cackovic proceeded to describe the sign for the building to be three and half feet wide by two feet high with written text not illuminated.

There was a dialogue between Mr. Cackovic and certain Board members regarding the brick size; a sprinkler system for the building; the components of the structure; an additional room to be used as an office in the caretaker's house. The Board members were satisfied by Mr. Cackovic responses to these matters.

Chairman Buechler asked Mr. Keller, Mr. Grygiel and Mr. Grossman if they had any questions all responded they did not.

Chairman Buechler asked if any members of the public had a questions for the architect.

Chairman Buechler recognized Tal Benzvi.

Mr. Benzvi asked Mr. Cackovic what the footprint of the large temple previously and now.

Mr. Cackovic responded that the footprint previously was 6,303 square ft. and it is now 6,139 square ft.

There was a dialogue between Mr. Cackovic and Mr. Benzvi regarding adding a bathroom to the office space on the main level; the size of the mediation chapel and capacity codes; the storage kitchen/pantry area installing a filter and consideration to adding a sprinkler system. Mr Benzvi was satisfied with Mr. Cakovics responses to these matters.

Chairman Buechler asked if any other members of the public had questions for Mr. Cackovic. Seeing none he excused Mr. Cackovic.

Mr. Williams stated there was one further witness, Mr. Peter Steck, but he is in Byram Township and will not be able to get here. He continued to ask that this be carried to the June 18th meeting and would complete Mr. Steck's testimony at that time.

Chairman Buechler stated that this matter will be carried to the Board's regular meeting on June 18, 2015 at eight p.m. No further notice is required. He continued that the applicant has one more witness. After that witness is concluded with direct and cross examination members of the public will have the opportunity to make statement to the Board. With that we are concluded.

The meeting was adjourned by Chairman Buechler at 10:37 p.m.

Adopted: October 15, 2015


Joanne Carlucci
Acting Board Secretary