

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
MEETING
August 18, 2011**

The West Orange Zoning Board of Adjustment held a regular meeting on August 18, 2011 at 8:00 PM at 66 Main Street, West Orange, NJ in Council Chambers.

Chairman Philip Neuer called the meeting to order at approximately 8:03 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and posted on the Township Bulletin Board on December 17, 2010 in accordance with the "Open Public Meetings Act."

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

PRESENT: Gregory Bullock, Deborah Gabry, Phil Neuer,
Bart Quentzel (8:12pm), Mark Sussman

ABSENT: Bruce Buechler, William Steinhart, Alice Weiss
*Note for the record Chairman Neuer stated that Mr. Buechler, Mr. Steinhart and Ms. Weiss had excused absences.

ALSO PRESENT: Board Attorney: Alice Beirne, Esq.
Board Secretary, Rose DeSena

ANNOUNCEMENT OF FUTURE MEETING DATES

Future Meetings: September 22, 2011 (Regular Meeting) - 8:00 P.M.
October 27, 2011 (Regular Meeting) – 8:00 P.M.
November 17, 2011 (Regular Meeting) – 8:00 P.M.
December 8, 2011 (Regular Meeting) – 8:00 P.M.

MINUTES

Adopt Minutes: July 14, 2011 regular meeting

Chairman Neuer made a motion to adopt the minutes from the July 14, 2011 regular meeting and Ms. Gabry seconded.

All were in favor.

DISCUSSION

Alice Beirne, Counsel for the Board, reminded Board members that under the New Jersey Sunshine Law, no substantive discussion between Board members about any application can take place anywhere but on the record at a meeting. A recent case of the New Jersey Appellate Division has made it clear that this also includes e-mail correspondence.

RESOLUTIONS

ZB-10-18/617 Mt. Pleasant Ave Assoc., LLC
612 Mt. Pleasant Avenue
“D” variance for use for a veterinary hospital

Application approved 7/14/11

DISCUSSION

Chairman Neuer asked the Board if they saw the corrections that Mr. Sussman and Eric Keller forwarded to everyone regarding this resolution. Ms. Beirne stated that the corrections had been made.

Chairman Neuer made a motion to adopt the resolution with said changes and Mr. Sussman seconded.

The vote was as follows:

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

ZB-10-15A-1/Cambria Suite
Extension to file subdivision deed request

DISCUSSION

Mr. Thomas J. Trautner, attorney for Cambria Suites, approached the podium. Chairman Neuer asked if he was here in place of Donna Erem and Mr. Trautner replied yes.

Chairman Neuer explained to Mr. Trautner that Ms. Erem came before the Board last month requesting an extension to file the subdivision deed for Cambria Suites. He stated that the Board granted the extension and Mr. Bullock and Mr. Buechler recommended that the extension would be for 90 days. Chairman Neuer stated that there seemed to be some confusion, with Ms. Erem, about the 90 days. He recommended that rather than talk specifically about how many days, in the resolution, the wording should read that the extension will run from May 20th to Oct. 14th 2011.

Chairman Neuer asked Ms. Beirne if she had received the thirty (30) day report, from the applicant, that the Board required for the extension approval and she replied that she did. Chairman Neuer stated, for the record, that the thirty (30) day report was submitted to Ms. Beirne. He also requested that Ms. Beirne issue a copy to the Board secretary for her file.

Chairman Neuer asked if anyone wanted to make a motion to adopt the resolution as amended. Mr. Bullock made the motion to adopt and Ms. Gabry seconded.

The vote was as follows:

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

APPLICATIONS

1. ZB-11-12/Gaeta

Carried from 7/14/11

Block: 113.01; Lot: 131,132; Zone: R-T

18 Park Terrace

Seeking a "C" variance for side yard set-back for an existing deck

DISCUSSION:

Rebecca Gaeta and Kevin Anderson approached the podium and were sworn in. They both stated that they were the homeowners. Chairman Neuer began by stating that the Board members say, too many times, that it's better to ask for forgiveness than to ask for permission. He asked Mr. Anderson who built the deck and Mr. Anderson replied he did. Chairman Neuer asked if he was a licensed contractor and didn't he know that he needed a permit to build the deck. Mr. Anderson stated that he knows that a permit is needed when he builds a deck but didn't realize he needed one to build a deck on his own home.

Chairman Neuer stated that he was not going to punish them and went on to say that he was confused about Tom Tracy's comments regarding cutting the deck back 5'. Chairman Neuer said that, according to the photos that he was looking at, the deck appeared to be the same width of the house. Mr. Anderson stated that was the reason that they didn't want to cut the deck back 5' was because the house is 22 ft. wide and to make a deck 17ft. wide wouldn't make any sense.

Chairman Neuer asked Ms. Gaeta and Mr. Anderson if they read the report from Susan Borg and they both replied yes. Chairman Neuer asked if they installed the handrails on the front steps, added plants and shrubs along the deck area and removed the metal gate from the side of the house. Mr. Anderson replied they already installed the handrails and made a vegetable garden in the area along the deck. He stated that they have not removed the gate yet because he has to get a dumpster. Mr. Sussman stated that he could remove the gate quickly if it wasn't an attached gate and Mr. Anderson said that he would do it right away.

Ms. Gabry asked if they would be putting in plants once the vegetable garden was gone and Ms. Gaeta replied that they would be putting in mulch.

Chairman Neuer asked if there were any more comments or questions from the public and seeing none that portion of the meeting was closed.

There was no discussion by the Board and Chairman Neuer made a motion to approve the application with the conditions specified in Ms. Borg's report. He stated that he would let Ms. Borg decide if she was alright with the vegetable garden. He also stated that the gate must be removed prior to the resolution. Mr. Bullock seconded and Chairman Neuer closed by telling the applicants that any further home improvements to think permits.

CONDITIONS

- Installing handrails on front steps
- Planting plants or shrubs in the area along the deck per Ms. Borg's recommendations
- Removal of metal gate prior to resolution

The vote was as follows:

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

2. ZB-11-16/Nissel

Block 179.08; Lot: 12; Zone: R-5

40 Mayfair Drive

Two (2) "C" variances for front and side yard set-backs for building a handicap ramp

DISCUSSION:

Shimon Nissel approached the podium and was sworn in. Chairman Neuer stated the applicant was proposing to build a handicap ramp for his son and Mr. Nissel replied yes, he was correct.

Chairman Neuer stated that the ramp would be 20 feet rather than 30 feet and the side yard would encroach 5 feet. Mr. Nissel explained that the reason the ramp needed to be a certain length is because of the height of their front door. Chairman Neuer stated that the structure would go out further than the required use but not further than the house itself.

Mr. Nissel stated that none of his neighbors objected and some had signed a petition. Chairman Neuer stated that the Board does not usually accept petitions.

Chairman Neuer asked Mr. Nissel if he had read Ms. Borg's report and he replied yes. Chairman Neuer stated that she had recommended landscaping the area in front of the ramp and painting the garage door. He asked Mr. Nissel to talk to Ms. Borg to see if she wanted plants or bushes in front of the ramp and Mr. Nissel said that he would and would conform.

Chairman Neuer asked if Mr. Nissel had painted the garage door and he replied yes. Mr. Nissel also stated that he would be replacing it with a new door after the construction of the ramp was completed within six months.

Mr. Bullock stated that he must also remove the debris on the side of the house and Mr. Nissel stated that he had already removed it.

Chairman Neuer asked if there were any further comments or questions and seeing none he closed the public portion of the meeting.

Chairman Neuer made a motion to approve the application with the conditions he stated in Ms. Borg's report and Mr. Sussman seconded.

CONDITIONS:

- Paint garage door
- Landscape the area along the front of the ramp
- Remove debris along the side of the house

The vote was as follows:

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

ADJOURNMENT

The meeting was adjourned by Chairman Neuer at 8:33 pm

August 18, 2011


Rose DeSena
Zoning Board Secretary