

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
August 18, 2016**

The West Orange Zoning Board of Adjustment held a regular meeting on August 18, 2016 commencing 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 notification of this meeting was given to the Township Clerk, the West Orange Chronicle and the Star Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

Chairman Neuer announced that a digital tape recording system is being utilized to record the proceedings of the meeting and instructed the general public on how the audio of the proceedings may be reviewed or obtained.

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

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

PRESENT: C. Darconte, D. Gabry, D. Nash, P. Neuer,
B. Quentzel, I. Schwarzbaum, W. Steinhart,
M. Sussman, A. Weiss

ABSENT: B. Buechler (excused)

ALSO PRESENT: Kate Keller, Acting Planner for the Township
Eric Keller, Consulting Engineer
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary
Harvey Grossman, Esq., Public Advocate

ANNOUNCEMENTS

Future Meetings: September 15, 2016 (regular meeting)
 October 20, 2016 (regular meeting)
 November 17, 2016 (regular meeting)

Chairman Neuer announced that due to a jurisdictional issue, application ZB-16-06/Zamora, that was scheduled to be heard at this meeting, has been carried over to the September 15, 2016.

MINUTES

Adopt Minutes: July 21, 2016 (regular meeting)

Chairman Neuer stated that he and Vice Chairman Buechler submitted their comments to the Board Secretary for the minutes of the July 21, 2016 regular meeting.

Chairman Neuer asked the Board Members if they had any additional comments for the minutes of the July 21, 2016 regular meeting that were submitted to them for review; there were none.

Chairman Neuer asked for a motion to approve the minutes of the July 21, 2016 regular meeting.

Ms. Gabry made a motion to approve the minutes of the July 21, 2016; Mr. Quentzel seconded the motion and all were in favor.

SWEARING IN

Kate Keller, Acting Planner for the Township and Eric Keller, consulting Engineer for the Township were sworn under oath.

RESOLUTIONS

1. ZB-16-02/Arceo

Approved 7/21/16

Block: 43; Lot: 29; Zone: R-5

70 Lowell Avenue

Seeking a “c” variance for the height of a retaining wall to be constructed in the rear yard.

Chairman Neuer stated that this resolution was circulated to all of the Board Members and he submitted his comments to Ms. Beirne which have been incorporated into the resolution.

Chairman Neuer asked if any other Board Member had any comments; seeing none Chairman Neuer asked for a motion to approve the resolution with said revisions.

Mr. Schwarzbaum made a motion to adopt the resolution with said revisions and Ms. Gabry seconded the motion to adopt.

The vote was as follows:

Buechler	-	Schwarzbaum:	Yes
DarConte:	Yes	Steinhart:	Yes
Gabry:	Yes	Sussman:	-
D. Nash:	-	Weiss:	Yes
Quentzel:	Yes	Chairman Neuer:	-

2. ZB-16-05/Seton Hall Preparatory School

Approved 7/21/16

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

700 Prospect Avenue

Amended Site Plan

Seeking a “d” and bulk variances for the expansion of a non-conforming use

Chairman Neuer stated that a question arose regarding condition #9 in the resolution and asked Ms. Beirne to explain it.

Ms. Beirne stated that Mr. Williams objected to condition #9 in the draft resolution regarding no playing of amplified music during baseball practice or games. She said that after reviewing condition #61 in the ZB-08-37 resolution regarding the public address system being used at normal or customary decibel levels for football games or isolated events, she and Chairman Neuer determined that there should be a discussion regarding the “tweaking” of condition #9.

Ms. Beirne said that at the meeting in 2008, there was no discussion regarding the playing of music but there was some discussion at the July 21, 2016 meeting and it was agreed that music would not be played during practices. Ms. Beirne said that the issue is whether the Board is going to ban music being played during games, which was not discussed at the last meeting, and that it should be addressed.

Chairman Neuer asked Ms. Beirne to read the proposed condition #9 in the draft resolution in its entirety for the other Board Members; she complied.

Chairman Neuer asked Mr. Williams if his objection is the words “or games” in the proposed resolution; he replied yes.

Mr. Williams stated that the applicant would like additional language after “baseball practice” in condition #9: however, the applicant should be permitted to play the star spangled banner at the beginning of varsity baseball games and music for one and one half minutes between innings subject to local and state decibel level limitations.

Ms. Gabry asked Mr. Williams if they play the school Alma Mater; he stated that is not aware of that practice.

After some discussion it was determined that condition #9 would read as follows:

“There shall be no playing of amplified music during baseball practice, however, the applicant shall be permitted to play the Star Spangled Banner at the beginning of Varsity baseball games and music for one and one half minutes between innings at Varsity baseball games, at normal and customary decibel levels”.

The vote was as follows:

Buechler	-	Schwarzbaum:	Yes
DarConte:	Recused	Steinhart:	Yes
Gabry:	Recused	Sussman:	Yes
D. Nash:	Yes	Weiss:	-
Quentzel:	Yes	Chairman Neuer:	Yes

APPLICATIONS

1. ZB-16-08/Lando

43 Carteret Street

Block: 154; Lot: 4; Zone: R-5

“c” variance for front yard setback for an addition to the front of an existing single family dwelling.

EXHIBITS

A-1 – Architectural Plans (builders copy) – five (5) sheets with a revision date of 5/11/16.

Betty Lando and Brian Lando, applicants, approached the podium and were sworn under oath and stated that they lived at 43 Carteret Street.

Chairman Neuer stated that the Board received signed and sealed architectural plans and asked Ms. Lando if their architect was present; she replied no. Ms. Lando stated that their architect had an emergency and could not be present at this meeting and they are prepared to answer the Board’s questions.

Chairman Neuer stated that it appeared the addition to the home was built without permits.

Ms. Lando stated that the initial plans that were submitted to the building department were

approved and they were issued permits for the addition. She said that when the inspector came to the site he noticed on the plans that the house extended over the setback line and asked them if the footprint had changed and if they had approval from the Zoning Officer.

Chairman Neuer asked Ms. Lando if she agrees that the permits may have been issued in error; she said as to the footprint, yes.

Ms. Lando presented five (5) sheets of the builder's copy of the architectural plans with a revision date of 5/11/6.

Chairman Neuer identified the plans that Ms. Lando presented, on the record, and stated that they had the inspector's signature on them. He asked to have them marked as Exhibit A-1 for identification.

Chairman Neuer stated for the record that the architectural plans in Exhibit A-1 are not the plans that were submitted to the Board Members with this application; he said that these are the plans that the witness would like to explain.

Ms. Lando stated that when they submitted revised architectural plans, the Zoning Officer advised them that they needed a front yard setback variance.

Chairman Neuer asked Ms. Lando why they were required to re-submit plans; she said that the original plans proposed a one car garage and they changed it to a two car garage.

Chairman Neuer asked Ms. Lando how it occurred that construction was stopped.

Mr. Lando approached to clarify what had happened and stated that after they had started construction the inspector came to do an inspection and, at that time, he noticed that the front of the house extended one foot over the front yard setback that is allowed and asked if they had zoning approval. Mr. Lando stated that he told the inspector that the plans were already approved and the inspector told them that, even though the plans are approved, it needs to go to the zoning officer for approval.

Mr. Quentzel asked Ms. Lando if they have a copy of the building permit that was issued to them with them; she replied no.

Ms. Lando stated that they did not think it was a big deal because they thought it was just the window that was encroaching but it was not the window, it was the footprint.

Ms. Weiss asked Ms. Lando if any of her neighbors are at this meeting; she replied no she did not see any of her neighbors.

Chairman Neuer stated for the record that Exhibit A-1 clearly shows the setback line and the building encroaching into the setback and that the building department missed it.

Chairman Neuer recommended that the Board look at this as if the building was not built yet and would the Board approve the one foot deviation if it came in as a brand new application.

Chairman Neuer asked Mr. Lando how far they were with construction and if the walls been closed in yet; he said that the framing, the footing, the electrical and plumbing are done.

Chairman Neuer asked Mr. Lando if the electrical and plumbing is closed in; he replied no.

Mr. Sussman asked Ms. Lando if this is entirely new construction of the house or an addition; she said it is a fairly significant addition.

Chairman Neuer asked Ms. Lando what their reasons would be for asking the Board to approve the variance and why they need the building to extend out that far; she said that when they changed the garage from a one car garage to a two car garage they had to change the direction of the dining room and there was not enough space in the house for it. Ms. Lando said that they thought that it was just the window that would be encroaching.

Mr. Lando stated that there are other houses on the block that extend further into the front yard setback than what they are proposing.

Ms. Lando stated that the design presents a more aesthetically pleasing appearance.

There were no further questions from the Board Members, the Board Professionals or members of the public.

Chairman Neuer declared the public portion of the hearing closed.

Chairman Neuer stated that the building department approved the original plans that showed the setback encroachment and then attempted to correct this mistake after substantial construction in reliance on the permits had occurred.

Chairman Neuer stated that the witness testified to the positive and negative criteria and that granting this variance would not impair the intent or purposes of the zoning ordinance.

Chairman Neuer made a motion to approve the application and Mr. Steinhart seconded the motion to approve.

The vote was as follows:

Buechler	-	Schwarzbaum:	-
DarConte:	Yes	Steinhart:	Yes
Gabry:	Yes	Sussman:	Yes
D. Nash:	-	Weiss:	Yes
Quentzel:	Yes	Chairman Neuer:	Yes

2. ZB-16-04/Piacenza

Block: 172.25; Lot: 12; Zone: R-4

14 Manger Road

“d” variance for establishing a home day care business

EXHIBITS

A-1 – Proposed site plan and floor plans dated 4/28/16

A-2 – Survey dated 7/17/15

Marsha M. Moore, Esq., attorney for the applicant, approached the podium and detailed the application.

Ms. Moore stated that her client is proposing to renovate a portion of the ground floor of their home to create a child care facility. She said that the property is in an R-4 zone which requires a “d” variance because this is not a permitted use and also “c” variances for parking.

Ms. Moore stated that the first and second floor of the home will not change.

Ms. Moore stated that she has four (4) witnesses who will be testifying; the architect, the applicant, the traffic expert and the planner.

Ms. Moore stated that she is in receipt of the Township Planner’s report and the Township’s Engineer report.

Chairman Neuer stated for the record that Mr. Schwarzbaum will be recused from hearing this application because he is an elected member of the Board of Education which owns property within 200’ of the property which is the subject of this application.

Ms. Beirne stated that Mr. Schwarzbaum indicated to her that the Board of Education members have not had a chance to review this application and that Board would likely comment on it.

Chairman Neuer stated that the Board will discuss at the end of the meeting, if time allows, if they will afford that opportunity to the Board of Education if this Application is completed this evening.

Mr. Schwarzbaum stepped off of the dais.

Ms. Moore called her first witness.

Giuseppe Barberio, architect for the applicant, approached the podium and was sworn under oath. Mr. Barberio detailed his professional and educational background as a professional architect licensed in the State of New Jersey.

Chairman Neuer asked Mr. Keller if there are limitations regarding architects testifying to site plans; he said that storm water is the only thing an architect cannot testify to when it comes to site plans.

Chairman Neuer stated that the architectural plans that were submitted to the Board are signed and sealed by someone else and asked Ms. Moore if Mr. Barberio prepared the plans; she replied yes.

Mr. Barberio stated that he works as an associate at the Dassa-Haines architectural group.

Chairman Neuer stated for the record that Mr. Barberio's initials are on the plans.

Chairman Neuer accepted Mr. Barberio as an expert in architecture.

Mr. Barberio presented sheet 1 of the proposed site plan and floor plans dated 4/28/16 that was marked as Exhibit A-1 for identification.

Mr. Barberio referred to Exhibit A-1 and detailed what is being proposed and all of the interior modifications related to the daycare use of this property.

Mr. Barberio stated that they will be providing six (6) parking spaces and one handicap parking space. He referred to Exhibit A-1 and detailed where the parking spaces are located that will be utilized for the employees and the residents of the home and detailed where the parking spaces will be located that will be used for visitor parking and drop off.

Mr. Barberio detailed the grassy play area in the rear of the house and stated that a four foot high fence is being proposed to enclose that area.

Ms. Moore said that Bowman Consulting requested that they provide more fencing details and that it will be provided as a condition of approval.

Chairman Neuer asked Mr. Barberio if he reviewed the memo from Bowman Consulting dated 8/15/16; he replied yes. Mr. Barberio said that they will provide a copy of the survey that Bowman Consulting requested in the memo.

Mr. Barberio referred to item #3 in the memo from Bowman Consulting regarding the retaining wall and said that they will provide a detail for the retaining wall. He said that there will not be any grading change and that they will provide a topographic drawing as requested.

Ms. Moore referred to item #4 in the memo from Bowman Consulting and asked Mr. Barberio to comment on the lot area calculation discrepancy. Mr. Barberio stated that his calculations were done on his computer and he calculated the lot area within the boundary lines; he said that is the reason for the discrepancy.

Chairman Neuer asked Mr. Barberio if he is a licensed surveyor; he replied no.

Ms. Moore referred to item #5 in the memo from Bowman Consulting regarding the discrepancy of the dates of the survey submitted with the application and the survey referenced in the site plan and said that the survey that was submitted with the application is the one they will go by for the revised plans that are required to be submitted.

Ms. Moore presented the survey of the property dated 7/17/15 that was marked as Exhibit A-2 for identification.

Mr. Barberio referred to Exhibit A-2 and noted the driveway easement on the survey located in the rear corner of the lot. He stated that it is approximately forty five (45) feet from the play area and is not near any of the proposed parking spaces. Mr. Barberio stated that the driveway easement will not have any impact on what is being proposed.

Chairman Neuer asked Ms. Moore if she has a copy of the easement; she replied no. Ms. Moore stated that she could not locate a driveway easement in the title search but it is on the survey. She said her client went to the Township inquiring about the easement and there is no record of any driveway easement.

Ms. Keller stated that the driveway easement is shown on the survey dated 7/17/15 but is not shown on the survey dated 3/7/16 and asked Ms. Moore if anyone asked the licensed surveyor about the driveway easement; she replied no that it might have been a mistake.

Chairman Neuer stated that when the Board deals with an easement they must know all of the details of the easement. He advised Ms. Moore to order a new title search because the driveway easement may have an impact on this application.

Ms. Gabry asked Ms. Moore if she looked into the developer's agreement and were there any restrictions regarding this use; she said the only developer's agreement she saw was from 1956 and they were required to have a garage.

Mr. Keller stated that he did not receive a copy of the survey dated 7/17/15; he only received a copy of the survey dated 3/7/16 and his comments in his memo are based on that survey. Mr. Keller said that there are many discrepancies in the surveys.

Chairman Neuer said there are many open title questions and actual title work must be done.

Chairman Neuer advised Ms. Moore to provide a copy of the survey with a raised seal and copies of the instruments for the driveway easement. He said that the Board is not going to vote on this application until these copies are submitted.

Ms. Moore noted that the survey dated 3/17/16 that was submitted with the application had a raised seal.

Mr. Keller stated that as long as the Board Secretary has a copy of the survey with a raised seal that is acceptable. He said that he needs only one survey that the applicant is relying upon in support of this application.

Chairman Neuer stated that the survey should show the driveway easement and instruments and that the final survey that is submitted is what the Board will rely upon in reviewing and rendering a decision on this application..

Chairman Neuer advised Ms. Moore that the topographic survey that is required must also be sealed.

Mr. Barberio continued with his testimony addressing the comments in the Bowman Consulting memo dated 8/15/16. He said that item #7 will be addressed by the traffic engineer and the applicant will provide testimony regarding item #8.

Mr. Barberio addressed item #9 and stated that there was an error on the drawings; there will be six (6) parking spaces, not four (4) parking spaces.

Mr. Barberio stated that they will provide wall and fence details as requested in item #10 and item #11.

Ms. Gabry asked Mr. Barberio how far the handicap parking space was from the building; he said approximately twenty seven (27) feet.

Ms. Gabry asked Mr. Barberio if there will be pavers from the handicap parking space to the building; he said no it will be paved.

Mr. Keller stated that there is no specific distance required from the handicap parking space to a building; he said the closest parking space is acceptable for the handicap space.

Mr. DarConte asked if there is a parking space requirement based on the number of children enrolled; Chairman Neuer stated that the parking space requirement is based on the number of employees.

Mr. DarConte asked Mr. Barberio if the residents are not working that day, will there still be enough parking spaces; he replied yes but without explanation.

Chairman Neuer asked Mr. Barberio if the grassy play area is 3,563 square feet; he replied yes.

Chairman Neuer asked Mr. Barberio to state the required square footage of a play area for a day care center; he said the applicant can answer that question.

Chairman Neuer stated that he thought he read somewhere that two outdoor play areas were being proposed and asked Mr. Barberio if that was correct; he replied no there is only one outdoor play area.

Chairman Neuer asked Mr. Barberio to describe the egress and ingress to the outdoor play area; he said that there are two gates from the play area; one in the rear of the play area and one near the drop off spot.

Chairman Neuer asked Mr. Barberio if there is a fence between parking spaces three (3) and four(4) and the entrance to the house; he said yes.

Chairman Neuer asked Mr. Barberio delineate the two (2) drop off spaces, he referred to Exhibit #1 and delineated parking spaces #3 and #4.

Chairman Neuer asked Mr. Barberio if parking spaces #3 and #4 are for drop off only or can cars park there.

Ms. Moore stated that there are only certain times of the day designated for drop off in the morning and pickup in the afternoon and the applicant will testify to those times. She said other than those times, cars can park in those spaces.

Chairman Neuer asked Mr. Barberio what parking space on Exhibit A-1 is designated for handicap parking; he said parking space #2.

Chairman Neuer asked Mr. Barberio if the pavement is totally paved from the handicap parking space to the building; he replied yes.

Mr. Keller asked Mr. Barberio if he was standing in the street looking at the house, how close is the house to the right of the property; he said it is at least thirty (30) to forty (40) feet away.

Mr. Keller asked Mr. Barberio who determined what two trees were to be removed and what trees were to remain; he said that he picked them out with the home owner.

Mr. Keller asked Mr. Barberio if any trees will be in the fenced in play area or in between that area; he replied no.

Mr. Keller asked Mr. Barberio if the grade will remain the same when they replace the retaining wall at the east side of the property; he said that the grade will be four and a half (4 ½) feet lower.

Mr. Keller stated that he has a concern with the grade becoming lower and advised the applicant to install a drain.

Mr. Keller asked Mr. Barberio if the proposed paving was included in the impervious coverage calculations; he replied yes.

Mr. Keller asked Mr. Barberio where the hard surface between parking spaces #3 and #4 ends; he said it ends at the fence.

Chairman Neuer stated that the site plans will not be approved unless they contain appropriate notes and designation utilizing standard engineering language.

Mr. Keller stated that the bollards in the open access must be dimensioned on the plans.

Mr. Barberio stated that there will be a minimum of three (3) feet between the bollards.

Mr. Keller asked Mr. Barberio if the seven (7) foot ceiling height in the day care space meets code; he replied yes.

Mr. Keller asked Mr. Barberio if the handicap parking space meets the grading requirement; he said that it is fairly flat in that area.

Chairman Neuer stated that, to answer that question, a topographic survey is required.

Ms. Gabry asked Mr. Barberio if a swing gate allows a wheelchair to get through it because it seems very cumbersome to her; he said that someone can provide assistance if need be.

Ms. Keller asked Mr. Barberio how hedges can be planted around the parking area in asphalt; he said that there is not asphalt where the hedges are being planted. Mr. Barberio said that the existing asphalt in that area is broken up and not in the best condition. He said that the applicant would like hedges planted around the parking area so it is screened in.

Chairman Neuer reminded Mr. Barberio that they must dispose of the broken pavement properly.

Mr. Keller said he will suggest that the broken pavement be removed and have grass planted in that area.

Mr. Sussman stated that he is concerned that the seven (7) foot ceiling height in the day care space is too low and asked Mr. Keller to check the requirement for that.

Chairman Neuer asked Mr. Barberio what they will do with the fill when excavating is done; he said the contractor will take it away from the site.

Chairman Neuer advised Ms. Moore that the applicant will need to provide testimony from a licensed professional engineer because the drainage and topographic work is beyond Mr. Barberio's expertise as an architect.

Mr. Grossman asked Mr. Barberio what the interior dimensions of the day care space is; he said the room is approximately sixteen (16) feet wide and twenty eight (28) or twenty nine (29) feet long.

Mr. Grossman asked Mr. Barberio if that includes the sick room; he said no.

Mr. Grossman asked Mr. Barberio if the day care area is sufficient space to take care of twenty (20) children; he said yes.

Chairman Neuer asked if any members of the public had any questions for Mr. Barberio.

Rosary Morelli approached the podium and stated that she lives at 22 Ralph Road.

Ms. Morelli asked Mr. Barberio if the parents will be dropping off their children at the driveway or if there is a front entrance of the home that the children can enter; he said they will enter the driveway to drop off their children. Mr. Barberio said that drop off will not be at the curb in front of the house.

Ms. Morelli asked Mr. Barberio if there are four (4) large vehicles parked in the driveway will there be enough space for children and parents to walk in the walkway.

Chairman Neuer clarified and stated that the vehicles will not park in the driveway but in the proposed parking spaces in the rear of the home.

Mr. Barberio referred to Exhibit A-1 and denoted where the parking spaces in the rear of the home are proposed and stated that there is room for the parents and children to walk.

Ms. Morelli asked Mr. Barberio if they will need to park on the street.

Chairman Neuer advised Ms. Morelli that their traffic expert will address that question.

There were no further question for Mr. Barberio.

Chairman Neuer called for a recess at 9:44 pm.

Chairman Neuer resumed the meeting at 9:56 pm.

Ms. Moore called the applicant as her next witness.

Daniela Piacenza approached the podium and was sworn under oath. Ms. Piacenza stated that she lives at 14 Manger Road with her husband and two children.

Ms. Moore asked Ms. Piacenza when her husband leaves for work in the morning; she replied between 7 and 7:30 am.

Ms. Piacenza detailed her educational background here in the United States and in Venezuela. She said that she currently completed one hundred and twenty hours towards her child development associate credentials.

Ms. Moore asked Ms. Piacenza if she is currently employed; she said that she works as a market researcher for a consulting company.

Ms. Moore asked Mr. Piacenza why she wants to open a day care in a portion of her home; she said that having two small children of her own she was not very happy with the day cares that were available in the area. Ms. Piacenza said that she volunteered in some of the day cares and she enjoyed it. She said that her present work requires traveling and she does not want to travel anymore because that is not compatible with having two small children.

Ms. Piacenza said that she and her husband decided that they wanted to do something good for the community and the people who live around them. She said that they feel that by starting a good day care it can shape the future of children.

Ms. Moore asked Ms. Piacenza if the elementary school across the street from her home influenced her into starting a home day care; she replied no.

Ms. Moore asked Ms. Piacenza how she determined the number of children that will attend her home day care; she said Chapter 122, which is the manual for what is required for a child day care center, is very specific regarding the ratio of adults per child and the square footage required per child. Ms. Piacenza stated that thirty five (35) square feet per child indoors and outdoors is required per child. She said that she can accommodate up to twenty (20) children maximum in her home according to those requirements.

Ms. Moore asked Ms. Piacenza why she chose to run the day care center out of her home and not

to rent a commercial space; she said that she is changing careers and does not have the money to rent a commercial space.

Ms. Moore asked Ms. Piacenza what are the ages of the children that would be enrolled in her day care center; she said infants up to five (5) years of age.

Ms. Moore asked Ms. Piacenza what the hours of operation will be for the day care; she said 7:00 am to 6:00 pm Monday to Friday.

Ms. Moore asked Ms. Piacenza what type of curriculum she will offer the children; she said that after researching different curriculums, she determined that she will offer what is called a 'creative curriculum' that includes developmentally appropriate activities for the child according to their age.

Ms. Moore asked Ms. Piacenza how many employees she will have; she said she will have three (3) employees maximum that includes herself but she can get by with two (2) employees. Ms. Piacenza stated the number of employees is dependent on how many children she has enrolled. She said that the number of employees she must have is mandated in the manual. Ms. Piacenza said that she must have one head teacher who has a bachelor's degree in education and a certain amount of credits in education or child development. She said that a background check for all employees is mandated and she will adhere to the rules.

Ms. Piacenza stated that her first employee will start work at 7:00 am and the next employee will start work between 7:30 and 8:00 am. She said that the reason that her next employee will start later is because she may not have twenty (20) children enrolled on the first day.

Ms. Piacenza stated that her fees per child for the service depends on when they are dropped off and picked up each day.

Ms. Piacenza stated that one of her employees will park in her garage after her husband leaves for work and she referred to Exhibit A-1 and detailed where the children will be dropped off.

Ms. Piacenza stated that she anticipates that the children will be picked up between 4:00 pm and 5:30 pm every day and that the parents will have to come inside to pick up their children.

Ms. Piacenza stated that the parents will have the right to show up at the facility any time to check on their child and that strangers will not be allowed in the building unless they schedule an appointment.

Ms. Piacenza stated that all parents will be provided with a hand out that has all of the rules and regulations of the day care facility.

Ms. Piacenza stated that she is required to provide some kind of a physical activity for the children; she is proposing to let the children outside two times a day so that they can run around and play. Ms. Piacenza said they will not go outside during the winter time so she will organize some type of physical activity indoors so that the children can get exercise.

Ms. Piacenza said that there will not be any cooking at the facility; she said that the children will bring their own food and she can warm it up for them in a microwave oven.

Ms. Piacenza stated that there will not be any parties at the facility.

Ms. Moore asked Ms. Piacenza if she is proposing any signage; she replied no.

Mr. DarConte asked Ms. Piacenza if she can shift two of the parking spaces further back on the property; she said no because that area in the rear is sloped downward.

Mr. Steinhart asked Ms. Piacenza what kind of activity is there on her side of the street; she said none. Ms. Piacenza said that the parents of the children who go to the elementary school drop their children off across the street from her house; not on her side of the street.

Mr. Steinhart asked Ms. Piacenza what is the parking situation on Manger Road; she said there is no parking between 8:00 am to 10:00 am and 2:00 pm to 4:00 pm on her side of the street.

Mr. Steinhart asked Ms. Piacenza what time the parents of the children in the elementary school drop off their children; she said at 8:25 am.

Mr. Steinhart asked Ms. Piacenza if any school buses come on to Manger Road and pass her house; she replied yes.

Mr. Quentzel asked Ms. Piacenza if she knows anything about the driveway easement; she said that when she became aware of the easement she sent her niece to the town to research it. Ms. Piacenza said that the Town Engineer, Mr. Lepore, showed her niece a map and the map did not show any details about the easement. She said that Mr. Lepore told her niece that there was nothing to worry about. Ms. Piacenza said that her surveyor told her that her property extends beyond a gate that is in the rear of her property into a service road that people utilize to access their homes from Route 10.

Ms. Piacenza said that the title search that Ms. Moore referred to is only one year old. She said that she purchased her house in August of 2015 and the title search was obtained approximately two weeks before that.

Ms. Nash asked Ms. Piacenza how she would manage to walk her child to school at 8:25 am when she will be working at the day care facility; she said that she will arrange to have someone walk her child across the street at that time.

Ms. Beirne noted for the record that the Township's tax assessor shows lot 27.01, the property which includes part of the easement is owned by the Township of West Orange.

Chairman Neuer asked Ms. Piacenza if she qualifies as a head teacher; she replied no. Ms. Piacenza stated that she has to hire someone for the position of head teacher. She said that the head teacher will start work at 7:00 am along with her.

Chairman Neuer stated that his concern is parking ratios for the number of employees required per child; he said that the Board can condition the maximum number of employees but not the ages of the children.

Ms. Piacenza stated that she can potentially hire employees that do not have cars; she said that there is a bus stop on Route 10.

Chairman Neuer told Ms. Piacenza that she is currently required to have a certain number of

parking spaces by Township ordinance.

Chairman Neuer asked Ms. Piacenza what is located in the sick room; she said that this is an area where a sick child would stay away from the other children.

Chairman Neuer asked Ms. Piacenza, according to Chapter 122, what is required to be in a sick room; she said a bed, sheets and blankets. Ms. Piacenza stated that she will review Chapter 122 again and she will comply with what the requirement is for a sick room.

Chairman Neuer asked Ms. Piacenza if she has a copy of the creative curriculum with her; she replied no. Ms. Piacenza stated that she has to purchase it.

Chairman Neuer stated that he would like to look at the creative curriculum after she purchases it.

Chairman Neuer asked Ms. Piacenza what time her husband leaves for work in the morning; she said he leaves between 7:00 and 7:30 am and comes home after 5:00 pm.

Chairman Neuer asked Ms. Piacenza how her employee will park in the garage at 7:00 am if her husband leaves at 7:30 am; she said that she will make sure his car is not in the garage after 7:00 am.

Chairman Neuer asked Ms. Piacenza if she has developed the rules and regulations handbook of the day care facility yet; she said she started it but it is not finished.

Chairman Neuer asked Ms. Piacenza if she can provide a copy of the handbook to the Board so they can read it; she said it is not completed yet

Ms. Gabry asked Ms. Piacenza if there will be any medical staff at the day care; she said all of her employees will be required to have CPR and first aid training. Ms. Piacenza said there will not be a nurse at the day care.

Ms. Gabry asked Ms. Piacenza if she is required to have a defibrillator; she said she does not think so but she will order one.

Ms. Gabry asked Mr. Keller if the parking spaces are required to be striped; he said only the ADA parking space must be striped. Mr. Keller said that the other parking spaces should be delineated in some fashion.

Mr. DarConte asked Ms. Piacenza if her husband is ill one day or does not go to work will his car remain in the garage; she said no she will have him move the car out of the garage.

Ms. Keller asked Ms. Piacenza if they are proposing signage in the future; she said no.

Chairman Neuer asked Ms. Piacenza if she is required to have a sign; she said she does not know.

Mr. Keller asked Ms. Piacenza if the children will go outside according to their age or will all of the children go outside at one time; she said that it is best to separate the children by age group and she will schedule different times for them to go outside. Ms. Piacenza said there is not a separate space outside for them to play.

There were no further questions for Ms. Piacenza.

Chairman Neuer asked if any members of the public had any questions for Ms. Piacenza; there were none.

Chairman Neuer noted the time was 10:50 pm and stated that the meetings end promptly at 11:00 pm.

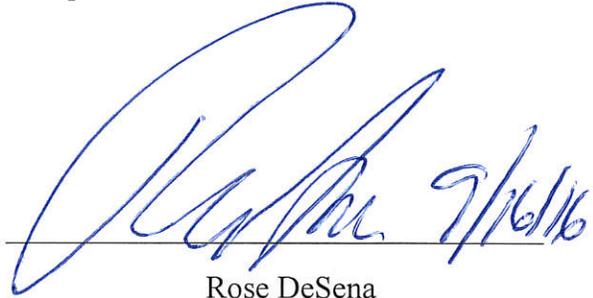
Chairman Neuer stated that the application will be carried over to the September 15, 2016 meeting and that no further notice will be required.

Chairman Neuer advised Ms. Moore that all revised plans must be submitted to the Board

Secretary at least ten (10) days before the next meeting.

The meeting was adjourned by Chairman Neuer at 10:58 pm.

Adopted: September 15, 2016



Rose DeSena

Zoning Board Secretary