

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
June 20, 2013**

The West Orange Zoning Board of Adjustment held a regular meeting on June 20, 2013 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 posted on the Township Bulletin Board on November 21, 2012 in accordance with the "Open Public Meetings Act."

Chairman Neuer asked everyone to stand for the Pledge of Allegiance
Alice Beirne, Esq., Board Attorney, read the Opening Statement.

PRESENT: B. Buechler, G. Bullock, D. Gabry, P. Neuer, B. Quentzel (8:02),
W. Steinhart, M. Sussman

ABSENT: W. Merklinger (excused absence)
A. Weiss (excused absence)

ALSO PRESENT: P. Grygiel, Consulting Planner/Acting Planning Director
E. Keller, Consulting Engineer
Board Attorney, Alice Beirne, Esq.
Board Secretary, Rose DeSena
D. Dillon, Audio-Digital Transcription Service

ANNOUNCEMENTS

Chairman Neuer made the following announcements:

Future Meetings: July 18, 2013 (Regular Meeting) – 8:00 PM
August 15, 2013 (Regular Meeting) – 8:00 PM
September 12, 2013 (Regular Meeting) – 8:00 PM

- Application **ZB-13-05/Nicolas** which is scheduled to be heard at this meeting is adjourned at the request of the Applicant. This matter is carried to the next Zoning Board of Adjustment meeting to be held on July 18, 2013.
- William Steinhart was reappointed as a regular member of the Zoning Board of Adjustment by Councilwoman Susan McCartney. His reappointment term will begin on 7/1/13 and end on 6/30/17.

REORGANIZATION

Vote: A motion to nominate Ms. Gabry as Chairwoman was made by Mr. Buechler and Mr. Steinhart seconded the motion. There were no further nominations for Chairperson. Chairman Neuer called for the vote and it was voted upon all to none.

A motion to nominate Mr. Buechler as Vice Chairman was made by Ms. Gabry and Mr. Sussman seconded the motion. There were no further nominations for Vice Chairman. Chairman Neuer called for the vote and it was voted upon all to none.

A motion to reappoint Ms. DeSena as Board Secretary was made by Mr. Steinhart and Chairman Neuer seconded the motion. Chairman Neuer called for the vote and it was voted upon all to none.

A motion to reappoint Ms. Beirne as Board Attorney was made by Ms. Gabry and Mr. Bullock seconded the motion. Chairman Neuer called for the vote and it was voted upon all to none.

A motion to reappoint Debbie Dillon, c/o Audio Digital Transcribing Services, as the Board Transcriber was made by Mr. Neuer and Mr. Sussman seconded the motion. Chairman Neuer called for the vote and it was voted upon all to none.

Chairman Neuer noted for the record that the swearing in will take place on July 18, 2013.

MINUTES

Adopt Minutes: May 23, 2013 (Regular Meeting)

Vice Chairwoman Gabry stated that her comments were given to the Board Secretary and inserted into these minutes.

Chairman Neuer asked for a motion to approve the minutes of the regular meeting held on May 23, 2013.

Ms. Gabry made a motion to approve the minutes; Mr. Sussman seconded the motion and all were in favor.

It was noted for the record by Chairman Neuer that Mr. Buechler was present but did not vote.

SWEARING IN

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

RESOLUTIONS

1. ZB-13-04/Congregation Ahawas Achim B’Nai Jacob & David Approved 5/23/13

700 Pleasant Valley Way

Block: 153.21; Lot: 31; Zone: R-5

“C” variance to install a 5’ fence in the front yard of the property

Chairman Neuer stated for the record that Mr. Buechler, who is recused from participating on this application, stepped down from the dais.

Ms. Beirne noted the revisions that were suggested by Ms. Gabry for this resolution. She stated that she approved these revisions and that she incorporated them into the resolution.

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

Ms. Gabry made a motion to approve with revisions; Mr. Quentzel seconded the motion.

The vote was as follows:

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

Chairman Neuer noted that Mr. Buechler resumed his place on the dais.

2. ZB-12-19/Rustagi

Approved 12/20/12

Block: 167.03; Lot: 34; Zone: R-3AH

Requesting two (2) “C” variances for rear set back to build a deck and height for raising an existing retaining wall.

Mr. Buechler noted the revisions that he suggested to Ms. Beirne for this resolution. Ms. Beirne stated that she approved these revisions and that she included them into the resolution.

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

Mr. Buechler made a motion to approve as revised; Ms. Gabry seconded the motion.

The vote was as follows:

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

APPLICATIONS

- ZB-13-06/Stratford Manor Rehabilitation & Care Center, LLC**
Block: 166.15; Lot: 7; Zone: OB-1
“D” variance for the expansion of a non conforming use and several “C”
variances for a building addition, increased parking, lot coverage and providing outdoor seating.

EXHIBITS

- A-1 - Proposed Conditions Site Plan Exhibit dated 6/20/13
- A-2 – Tree Removal Plan dated 3/20/13
- A-3 – Landscape Plan dated 3/20/13
- A-4 – Lighting Plan dated 3/20/13
- A-5- Existing Conditions Exhibit dated 6/20/13
- A-6 – Existing Conditions (sheet) dated 3/20/13
- A-7 – Proposed Conditions Overall Plan dated 3/20/13
- A-8 – Geometry Plan (sheet 5) dated 3/20/13, revised dated 3/24/13
- A-9 – Therapy Room Expansion Plan (sheet A-1) dated 11/14/12
- A-10 – Meeting room Expansion Plan dated 11/14/12
- A-11 – Markovski Landscaping Proposal dated 6/11/13

Robert Williams, Esq., attorney for the applicant, approached the podium and detailed the application. He stated that this application is a simple request to expand the existing therapy room and meeting room and to construct a small patio outdoors. Mr. Williams said that everything else will remain the same. He said that the gravel area in the parking lot in front of the building and the rear parking area will be finished off and both parking lots will be striped.

Ms. Gabry asked Mr. Williams what is being proposed for the concrete patio located on the west side of the building. Mr. Williams stated that the proposed expansion of the therapy room will be in this area.

Ms. Beirne asked Mr. Williams to confirm, on record, that the 200’ property list that was included in the application package is the updated list; Mr. Williams confirmed that it is the updated list required for noticing.

Chairman Neuer referred to a letter dated 5/29/13, signed by Ms. Rappaport, which referenced an additional lot being included in the application. The Chairman asked Mr. Williams if he wanted to amend the application to include this lot. Mr. Williams asked to amend the application to include Lot 11.04. The amendment was approved by the Chairman.

Mr. Williams called his first witness.

Edward F. Wilkes approached the podium and was sworn under oath. Mr. Wilkes detailed his educational and professional backgrounds and stated that he is a Professional Engineer licensed in the State of New Jersey for two years. Chairman Neuer asked Mr. Wilkes if he prepared the plans submitted with the application; Mr. Wilkes replied yes. Chairman Neuer asked Mr. Wilkes if he worked on projects of similar size or scope; Mr. Wilkes replied yes. Chairman Neuer accepted Mr. Wilkes as an expert in Professional Engineering.

Mr. Wilkes presented the existing conditions exhibit. Chairman Neuer noted that the existing conditions exhibit was pre-marked as Exhibit A-5 for identification. He asked Mr. Wilkes who prepared this exhibit and to identify the source of the aerial photo. Mr. Wilkes said that he superimposed the existing conditions onto an aerial photo which is published on-line.

Mr. Wilkes began detailing the existing conditions noting the surroundings and the parking and storage areas on premises. Chairman Neuer asked Mr. Wilkes how many parking spaces will be striped. Mr. Wilkes stated that there are currently 54 parking spaces and they are proposing 65 if the application is approved. He said all of them will be striped. Chairman Neuer asked if the maximum permissible lot coverage is being exceeded; Mr. Wilkes replied yes and opined that the design of the drainage took this into account.

Mr. Wilkes presented the site plan exhibit showing the proposed conditions. Mr. Williams stated that Mr. Wilkes took what they are proposing and superimposed it on this exhibit. Chairman Neuer noted for the record that the site plan showing the proposed conditions was pre-marked as Exhibit A-1 for identification.

Mr. Wilkes referred to Exhibit A-1 and detailed what is being proposed. He said that they are re-configuring the parking area, proposing a 750 sq. ft. expansion of the existing therapy room, a 520 sq. ft. expansion of the meeting room in the rear and providing a concrete patio for outdoor seating. He said that they are also proposing a 6' white vinyl fence to be installed around the patio area and adding new landscaping.

Mr. Wilkes detailed what they will be doing in the rear parking lot. He said that they will stripe four parking stalls, place one of the dumpsters on a concrete pad and relocate it to the rear end of the building and the relocate the other dumpster to the end of the parking area.

Mr. Wilkes stated that they are proposing adding sidewalks, handicapped ramps and crosswalks along Northfield Avenue.

Mr. Buechler asked Mr. Wilkes if they are going to repave both parking lots; Mr. Wilkes replied yes.

Mr. Buechler asked Mr. Wilkes if they received a copy of the Township Forester's memo dated 5/30/13. Mr. Wilkes replied yes and stated that they will comply with Mr. Linson's suggestions.

Mr. Quentzel asked Mr. Wilkes about the run off problems; Mr. Wilkes stated that they are going to address them.

Mr. Buechler asked Mr. Wilkes what they are proposing for the buffer area between the nursing home and the houses; Mr. Wilkes said that their Landscape Architect will answer those questions.

Mr. Gabry asked Mr. Wilkes if 65 parking spaces are being proposed; Mr. Wilkes replied yes. Mr. Williams referred to the letter from Eric Keller, dated 6/7/13 and asked Mr. Wilkes to address the comments in the letter.

- #1 – Mr. Wilkes stated that the existing garage will be used for storage only and not for parking.
- #2 – Mr. Wilkes stated that the applicant will comply by lowering the sidewalk 6" to bring it up code for handicapped regulations.
- #3 – Mr. Wilkes stated that the dumpsters are for cardboard only because they do not use plastic or glass at the facility so there is no need to recycle that; He said that all they recycle is cardboard and newspaper.

Mr. Buechler asked if they will comply if this changes in the future; Mr. Wilkes said that glass and plastic has not been used in 40 years but they will comply if this does change.

- #4 – Mr. Wilkes addressed the installation of sidewalks on Northfield Avenue as proposed. He said that there are large trees in that area and that they will not be able to put sidewalks in as shown. Mr. Wilkes said that they will have to meander between utility poles and the large trees. He said that two of the trees will survive but the 7' tree may not.

Chairman Neuer said that they will have to submit updated plans to reflect that change.

Mr. Wilkes stated that if the County Planning Board does not approve this, then they will install the sidewalks as proposed.

Chairman Neuer asked Mr. Keller to talk to the Township Engineer, Mr. Lepore, about the sidewalk change. Mr. Keller said that this application was approved by the Township's Planning Board two years ago and that he will check with Mr. Lepore to see why they wanted them to install the sidewalk on Northfield Avenue.

- #5 – Mr. Wilkes stated that there should be no problem with steep slope concerns because the area was landscaped. Chairman Neuer stated that Mr. Keller believes that this puts them in violation of the Township's natural features ordinance and would create a steep slope. Mr. Keller stated that he will work it out with the applicant. Chairman Neuer said after it is worked out they are to submit the revised plans, ten (10) days before the next meeting so that the Board can review them.
- #6 – Mr. Wilkes stated that they will comply with the shoe box lighting suggestions.
- #7 - Mr. Wilkes stated that they will comply with the suggestion to install commercial parking lot lighting in the Northfield Avenue parking lot.

- #8 – Mr. Wilkes stated that they do not need a rain garden to prevent storm water flowing down the steep slopes. He said that if Mr. Keller strongly suggests a rain garden then they will do it. Mr. Keller stated that they will work it out.
- #9 – Mr. Wilkes stated that the reason that the storm drainage pipes were not identified on the plans is because the sewer system is buried. He said that they will go out and dig it up; Mr. Buechler said that identifying the storm drainage pipes and cleaning them out will be a condition.
- #10 – Mr. Wilkes said they will comply with getting the appropriate approvals from the Essex County Engineer's office regarding discharge points of the on-site drainage being connected into the Essex County drainage system in Northfield Avenue.
- #11 – Mr. Wilkes stated that the grate elevation of inlet A3 will be revised to reflect the adjusted grading being proposed in the rear parking lot.
- #12 – Mr. Wilkes stated that they will comply and replace all of the inlet curb pieces on site with water quality heads.
- #13 – Mr. Wilkes stated that they will prepare an Operation and Maintenance Manual for storm water management systems on site.
- #14 – Mr. Wilkes stated that the generator will be raised up after they re-grade the rear parking lot and the adjustments to the generator pad will be shown on the site plans.
- #15 – Mr. Wilkes stated that additional protection will be provided around the existing generator.
- #16 – Mr. Wilkes noted the location of the HVAC system and said that there will not be any upgrades or changes to it.
- #17 – Mr. Wilkes stated that they will show, on the site plans, the area of disturbance presently shown on the Soil Erosion & Sediment Control Plan.
- #18 & #19 – Mr. Wilkes stated that their Landscape Architect will address the plantings.

Mr. Buechler asked Mr. Keller if his recommendations from his memo's dated 5/16/13 and 6/4/13 were satisfied; Mr. Keller stated that the applicant still has a couple of minor things to incorporate into the plans.

Mr. Buechler asked Mr. Keller if the checklist waivers were acceptable; Mr. Keller replied yes.

Mr. Grygiel stated that the applicant is to make sure that the prior code violations were rectified; Mr. Wilkes said that he would comply.

Mr. Grygiel asked Mr. Wilkes how they recycle plastics or bottles that an employee may bring in; Mr. Wilkes stated that the employees are instructed not to bring in any plastics or glass.

There were no further questions for Mr. Wilkes.

Chairman Neuer asked if any members of the public had any questions for Mr. Wilkes; seeing none.

Mr. Williams called his next witness.

Christopher Gammons approached the podium and was sworn under oath. Mr. Gammons stated that he is a Landscape Architect. He detailed his professional and educational backgrounds and said that he worked with the Landscape Architect who signed the plans. Chairman Neuer accepted Mr. Gammons as an expert in landscape architecture.

Mr. Gammons stated that he had reviewed Mr. Linson's memo dated May 30, 2013. He said that they are currently in the process of cleaning up the site from the damage caused by Hurricane Sandy, and that they will comply with his suggestions.

Mr. Buechler asked Mr. Gammons what they are proposing to do about the buffer to the home at 777 Northfield Avenue. Mr. Gammons said that trees are still lying down from the storm but that they are proposing to add six (6) evergreen trees, seven (7') feet tall to buffer that house. Mr. Buechler asked what they were proposing for the residences on the side street as a buffer. Mr. Gammons said that there are many trees there already and they cannot plant evergreens there. Mr. Buechler advised Mr. Gammons to meet with Mr. Linson and ask him what he suggests to plant there. Mr. Williams said that is acceptable. Mr. Gammons stated that his concern is that it will be nearly impossible to buffer out all of the houses but he said he will work with Mr. Linson.

Mr. Gammons presented the Tree Removal Plan dated 3/20/13. Chairman Neuer noted for the record that the Tree Removal Plan dated 3/20/13 was pre-marked as Exhibit A-2 for identification. Mr. Gammons said that they already have a proposal from a landscaping company to clean up that area. Chairman Neuer asked to see the proposal. Chairman Neuer asked to have the proposal from Markovski Landscaping and Tree Service, dated 6/11/13, marked as Exhibit A-11 and entered into evidence.

Chairman Neuer asked Mr. Gammons when they will be doing the clean up; Mr. Gammons stated that the trees that are already down and the dying trees can be removed in a few days. The Chairman said that the Board will give them until September 15, 2013 to have that area cleaned up. He said that his concern is that he does not want this to end up as an ongoing project.

Mr. Bullock suggested that Mr. Gammons discuss the cleanup project with Mr. Linson.

Mr. Gammons presented the Landscape Plan and began detailing it. Chairman Neuer noted for the record that the Landscape Plan dated 3/20/13 was pre-marked as Exhibit A-3 for identification.

Mr. Gammons presented the Lighting Plan and began detailing it. Chairman Neuer noted for the record that the Lighting Plan dated 3/20/13 was pre-marked as Exhibit A-4 for identification. Mr. Gammons stated that in response to #6 of Mr. Keller's report dated 6/17/13, they will lower the shoe box lighting in the rear parking lot to 14' and install more decorative lighting in the parking lot on Northfield Avenue.

Mr. Keller asked Mr. Gammons what they are going to do with the trees on Northfield Avenue. Mr. Gammons said that he would like to see the big oak trees preserved on Northfield Avenue but if they were to put sidewalks there, they would have to take the trees down. He said that if

they cut a major root system it could create a hazardous condition and the trees could topple. Mr. Gammons suggested that they do not install the sidewalks on Northfield Avenue in order to preserve the trees.

Mr. Buechler asked Mr. Keller why the Planning Board recommended installing sidewalks in 2010; Mr. Keller said that he believes it had something to do with the bus stop on Northfield Avenue. Mr. Buechler asked Mr. Keller what his thoughts were about installing sidewalks on Northfield Avenue. Mr. Keller said that people could walk on the grass like they do now. Mr. Buechler asked Mr. Williams if any of the employees of the nursing home use public transportation facilities; Mr. Williams said yes and that they function fine.

Mr. Bullock asked Mr. Gammon how close the bus service on the west bound side of Northfield Avenue is to the proposed sidewalk; Mr. Gammon said that he would defer that question to the Engineer. Mr. Wilkes approached the podium and stated that the bus stop is approximately 400 yards away.

Mr. Keller asked Mr. Gammon if there are currently any lights in the existing parking lot on Northfield Avenue. Mr. Gammon said there are just mounted lights on the building and that there are no post lights in the parking lot. Mr. Keller asked Mr. Gammon if they are proposing to install lights in the parking lot; Mr. Gammon replied no.

Mr. Keller referred to #18 of his report dated 6/17/13 and asked Mr. Gammon if they would cut back the plantings on the west side of the driveway to improve site lines to the west; Mr. Gammon replied yes.

Mr. Keller referred to #19 of his report dated 6/17/13 and asked Mr. Gammon if they would plant additional shade trees; Mr. Gammon replied yes.

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

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

Robert Rashkes approached the podium and stated that he lives at 35 Oak Crest Road. Mr. Rashkes asked Mr. Gammon if they had alternate routes for the sidewalk on Northfield Avenue; Mr. Gammon said that they did but it would still cut into the root systems of the large oak trees.

Mr. Rashkes asked Mr. Gammon if the sidewalks will be accessible for wheel chairs or if they will move the bus stop closer to the facility. Mr. Wilkes said that they had no plans on moving the bus stop closer. Mr. Rashkes said that there is a Township ordinance from 2010 that ordered the authorization of moving the bus stop closer to the facility. He said that New Jersey Transit held off on moving the bus stop because the sidewalks were never put in. Mr. Rashkes said that when he asked about this he was told to be patient because the sidewalks have to be installed first.

Chairman Neuer told Mr. Rashkes that, unfortunately, he is dealing with three separate entities and no one tells each entity what to do.

Mr. Buechler said that if there is a Township ordinance that Mr. Rashkes is referring to that is pertinent then this Board cannot ignore it. He asked Ms. Beirne to find out if there is such an ordinance. Mr. Williams said that if there is an ordinance then they will comply.

Chairman Neuer said that the Board can include in the resolution that Mr. Rashkes raised an issue about a Township Ordinance concerning the relocation of the bus stop.

Ms. Gabry asked Mr. Gammon for clarification about the gravel parking lot not having any lights. He said that there are no lights there now but they are proposing to install some lights.

There were no further questions for Mr. Gammon.

Chairman Neuer called for a recess at 9:42 pm.

Chairman Neuer resumed the meeting at 9:53 pm.

Chairman Neuer asked Mr. Williams how he wanted to proceed with ZB-12-24/West Orange Animal Hospital that is scheduled to be heard tonight. Mr. Williams stated that he would like to have this application carried over to the July 18, 2013 meeting and asked if it could be first on the agenda. The Board Secretary said that it would be first on the agenda. Mr. Williams confirmed an extension of the statutory time period for a decision to be rendered by the Board.

Chairman Neuer announced for the record that application ZB-12-24 for the West Orange Animal Hospital will be carried to the regular Zoning Board meeting on July 18, 2013 and will be first on the agenda. He said that no further notice will be necessary.

Mr. Williams called his next witness.

John Buchholz approached the podium and was sworn under oath. Mr. Buchholz detailed his educational and professional background as an Architect licensed in the State of New Jersey. Chairman Neuer asked Mr. Buchholz if he has worked on projects of similar size and scope; he replied yes. Mr. Buchholz stated that he designed the architectural plans. Chairman Neuer accepted Mr. Buchholz as an expert in Architecture.

Mr. Buchholz presented the Therapy Room Expansion Plan and the Meeting Room Expansion Plan. Chairman Neuer noted for the record that the Therapy Room Expansion Plan, dated 11/14/12, was pre-marked as Exhibit A-9 for identification and the Meeting Room Expansion Plan, dated 11/14/12, was pre-marked as Exhibit A-10 for identification.

Mr. Buchholz stated that Exhibit A-9 and Exhibit A-10 were submitted as part of the application except that these versions have been colorized. He detailed the therapy room plan stating that they will be using green measures and methods. Mr. Buchholz said that the way it is designed it will bring light into the room from the roof. He said that they will also have vents in the room that will allow heat to dissipate out through the roof.

Mr. Buchholz detailed the meeting room addition stating that they will remove a wall and square off the room. He said that the exterior will have the same design as the rest of the building. Mr. Buchholz said that the residents will also be able to go outside from here.

Chairman Neuer asked Mr. Buchholz how the light will come into the room. Mr. Buchholz said that the light comes in from the ceiling and he compared it to a "skylight type room". He said that the air will circulate in the room from the roof vents. Mr. Buchholz said that they wanted to create a more comfortable space and a better facility.

There were no further questions for Mr. Buchholz from the Board members or the Board's Professionals.

Chairman Neuer asked if any members of the public had any questions for Mr. Buchholz; seeing none.

Mr. Williams called his next witness.

Peter G. Steck approached the podium and was sworn under oath. Mr. Steck stated that he is a Professional Planner, licensed in the State of New Jersey, and has testified before this Zoning Board many times. Chairman Neuer accepted Mr. Steck as an expert witness in Professional Planning.

Mr. Steck stated that this application is for a modest expansion of the facility only. He said that the number of beds will not be increased and that it is just to improve the services to the residents of the facility.

Mr. Steck stated that the facility is in an OB-1 zone which is a mixed use area and detailed what is allowed in the zone. He said that because the facility does not meet all of the conditional use standards for a nursing home in the OB-1 zone it requires a "D" use variance for the modifications that they are proposing. Mr. Steck stated that the existing conditions are not changing and that it is the expansion of a non-conforming use. He said that a nursing home is inherently beneficial and that the improvements will not impair the intent or purpose of the land use ordinance but will improve the aesthetics. Mr. Steck said that the Board can approve this application without any detrimental impairment to the zoning ordinance or master plan.

Mr. Quentzel asked Mr. Steck how he feels about the sidewalks being installed on Northfield Avenue. Mr. Steck said that there are ways to work around the trees and that it needs to be examined.

There were no further questions from the Board members or from the Board's Professionals.

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

Robert Rashkes approached the podium and stated that he lives at 35 Oak Crest Road. Mr. Rashkes asked Mr. Steck if there were sidewalks on Northfield Avenue were called for in the 2010 Master Plan; Mr. Steck said that he does not remember if sidewalks were recommended.

There were no further questions for Mr. Steck.

Chairman Neuer asked if any members of the public wanted to comment.

Robert Rashkes approached the podium and was sworn under oath. Mr. Rashkes stated that in 2010 a Township Ordinance was passed stipulating that the New Jersey Transit bus stop on Northfield Avenue was to be moved closer to the nursing home. He said that the bus stop has not been moved yet because he was told that the sidewalks are supposed to be installed first. Mr. Rashkes said that it is very difficult trying to walk there now, because he walks there all the time, and it is hard to maneuver especially for people in wheel chairs.

Chairman Neuer asked if any other members of the public wanted to comment; seeing none the Chairman closed the hearing.

Mr. Buechler suggested they strike the sidewalk from the application unless there is a Township Ordinance then they will comply.

Ms. Beirne said that she could prepare the resolution and leave the sidewalk issue out.

Mr. Buechler suggested that the Board not vote on the application tonight and carry it to the July 18, 2013 meeting until this issue is solved.

Chairman Neuer said that the resident did not bring a copy of the Township Ordinance and it was his responsibility to do so. He said that he does not know if this Ordinance even exists.

Mr. Sussman stated that the Planning Board resolution from September, 2010 includes adding sidewalks on the westerly front of the property.

Mr. Williams stated that, if there is a Township Ordinance, they would have to comply anyway and they will.

Mr. Buechler asked Ms. Beirne to email the Township Ordinance to the Board when she finds it and, if the Ordinance is applicable, the hearing will be re-opened. He said that this will be included in the resolution of approval.

Chairman Neuer recommended that the Board approve the application subject to the following conditions:

- All items in Mr. Keller's report dated 6/17/13 must be satisfied.
- All open items in Mr. Keller's report dated 6/4/13 must be satisfied.
- All matters in Mr. Linson's letter dated 5/30/13 must be satisfied.
- Approval subject to verification of the Township Ordinance, adopted by the Township Council, to install sidewalks along Northfield Avenue. If applicable the Board will reopen the hearing to allow the applicant to supply the Board with additional testimony.

Mr. Buechler seconded the motion to approve the application and added the following conditions:

- Storm drains must be located and cleaned out.
- The rear parking lot must be repaved and restriped.
- The applicant must meet with Mr. Linson regarding the buffers.
- In reference to the proposal from Markovski Landscaping dated 6/11/13, the clean up must be done by September 15, 2013.
- No increase in the number of beds.

Mr. Keller suggested the following as a condition:

- Applicant to prepare an engineer's estimate for the site improvements to be used to establish an escrow for engineering inspections during construction.

Mr. Bullock said that rarely has he seen a verbal thrashing from Mr. Linson in regards to cleaning up this property. He said that he respects Mr. Linson's opinion and the applicant better comply with Mr. Linson.

All of the conditions recommended by Mr. Buechler and Mr. Keller were accepted by Chairman Neuer and Mr. Buechler and were, therefore, deemed part of the resolution to approve the application.

The vote was as follows:

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

Chairman Neuer advised the Board Secretary to contact the applicants for applications ZB-10-10, ZB-10-13 and ZB-12-04 and inform them that if they do not advise us of the status of their applications by the next Zoning Board meeting on July 18, 2013, then the Board will consider denying their applications without prejudice.

ADJOURNMENT

The meeting was adjourned by Chairman Neuer at 11:12 PM

Adopted: August 15, 2013


Rose DeSena
Zoning Board Secretary