

**MINUTES  
TOWNSHIP OF WEST ORANGE  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
June 19, 2014**

The West Orange Zoning Board of Adjustment held a regular meeting on June 19, 2014 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Vice Chairman Buechler called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and posted on the Township Bulletin Board on November 21, 2013 in accordance with the "Open Public Meetings Act."

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

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

**PRESENT:** B. Buechler, G. Bullock, P. Neuer,  
W. Steinhart, M. Sussman, A. Weiss

**ABSENT:** D. Gabry (excused absence)  
W. Merklinger (excused absence)  
B. Quentzel (excused absence)

**ALSO PRESENT:** Paul Grygiel, Consulting Planner  
Alice Beirne, Esq., Board Attorney  
Rose DeSena, Board Secretary  
H. Grossman, Esq., Public Advocate  
D. Dillon, Audio-Digital Transcription Service

**ANNOUNCEMENTS**

**Future Meetings:** July 17, 2014 (Regular Meeting) – 8:00 pm  
July 24, 2014 (Special Meeting) – 8:00 pm  
August 21, 2014 (Regular Meeting) – 8:00 pm  
September 18, 2014 (Regular Meeting) – 8:00 pm

Vice Chairman Buecher announced that Mark Sussman and Bart Quentzel have been re-appointed to the Zoning Board of Adjustment as Regular Member and Alternate Member, respectively.

**SWEARING IN**

Consulting Planner for the Township, Paul Grygiel was sworn under oath.

**MINUTES**

**Adopt the following minutes:**

May 17, 2014 (Regular Meeting)

Vice Chairman Buechler asked for a motion to approve the minutes from the May 17, 2014 regular Zoning Board of Adjustment meeting as submitted to the Board members.

Mr. Neuer made a motion to approve the minutes as submitted; Mr. Steinhart seconded the motion and all were in favor.

May 29, 2014 (Special Meeting)

Vice Chairman Buechler asked for a motion to approve the minutes from the May 29, 2014 special Zoning Board of Adjustment meeting as submitted to the Board members.

Mr. Sussman made a motion to approve the minutes as submitted; Mr. Neuer seconded the motion and all were in favor.

**RESOLUTIONS**

- 1. ZB-13-19/ Amanuel Ethiopian Orthodox Tewahedo Church    Approved 4/17/14**  
Block: 11; Lot: 17; Zone: R-M  
15 Dean Street  
“D” variance for conditional use and several “C” variances for the conversion  
Of an existing commercial garage into a House of Worship.

Vice Chairman Buechler asked if the Board reviewed this resolution and if any Member had any comments.

Mr. Neuer stated that Mr. Keller submitted a very comprehensive memo and that all of the required changes were satisfied.

Mr. Neuer made a motion to adopt the resolution; Mr. Sussman seconded the motion.

The vote was as follows:

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

**2. ZB-13-16/Feld**

**Approved 5/15/14**

Block: 97; Lot: 24.03; Zone: R-1

62 Tulip Avenue

“D” height variance to construct a two story single family home

Ms. Beirne stated that she approved some suggested revisions that David Owen, Esq. had and noted those revisions. She stated for the record that Mr. Owen represents a resident in Llewellyn Park.

Vice Chairman Buechler asked for a motion to adopt the resolution with said revisions.

Mr. Neuer made a motion to adopt the resolution; Ms. Weiss seconded the motion.

The vote was as follows:

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

**3. ZB-14-05/Ehrlich**

**Approved 5/15/14**

Block: 176; Lot: 9; Zone: R-5

2 Dale Drive

“C” rear yard variance for building a deck in the rear of the home

Vice Chairman Buechler stated that he submitted some grammatical revisions for this resolution to Ms. Beirne. Ms. Beirne stated that she accepted those revisions and incorporated them into the resolution.

Vice Chairman Buechler stated that he will make a motion to adopt the resolution with said revisions; Mr. Sussman seconded the motion.

The vote was as follows:

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

## APPLICATIONS

**1. ZB-14-01/Communication Infrastructure Corp. Carried from 5/15/14**

Block: 111; Lot: 1.03; Zone: B-2

416 Eagle Rock Avenue

“D” use variance to install two microwave dishes on an existing tower

James Pryor, Esq., attorney for the applicant, approached the podium.

Vice Chairman Buechler addressed Mr. Pryor and stated that the new Engineer’s certification received in response to the Board’s request was circulated this afternoon. Ms. Beirne said that she received it today. Vice Chairman Buechler said that this application was submitted in March and that at the meeting last month, Mr. Pryor’s colleague attended the meeting and was told the certification had serious inconsistencies.

Mr. Pryor stated that the original certification was emailed to his office on June 10<sup>th</sup> with the Engineer’s name typed in. He said that Ms. Beirne notified him that the certification needed the signature of the engineer. Mr. Pryor said that the certification had the incorrect signature on it because the wrong engineer signed it; he said that Mr. Jones signed it instead of Mr. Robinson. He said that he did not get the certification back with the correct engineer’s signature on it 10 days prior to this meeting and that he faxed it to Ms. Beirne yesterday.

Vice Chairman Buechler said that the Board discussed a prior resolution condition that required the removal of all antennas from the tower that are not in use. He said that the certification from the engineer states that the antennas still need to be removed and that he will not permit a vote on the resolution to proceed because there are still non-functioning antennas on the tower.

Mr. Pryor said that the reason the non-functioning antennas were not removed is because there is a nest on the tower and there is an Environmental Protection Agency regulation that no one can go on that tower to remove the nest. Vice Chairman Buechler asked what regulation that is; Mr. Pryor said that he cannot cite the regulation but that the tower operators are careful not to remove the nest due to this regulation.

Vice Chairman Buechler said that he will recommend to the other Board members that they do not vote on this application until all of the antennas that are not in use are removed from the tower. He said that the Board is going to need documentation as to when the antennas are going to be removed and certification as to when the nest will be removed.

Vice Chairman Buechler asked Mr. Pryor what meeting he would like to adjourn until and said the next regular meeting is scheduled for July 17, 2014. Mr. Pryor stated for the record that the tower owner wants the antennas that are not in used removed.

Mr. Steinhart said that if it is an active nest would they need to hear testimony from any experts, on the record, as to why the antennas cannot be removed. Mr. Pryor said that according to federal law it would have to be an active nest that is inhabited by birds in order not to be able to remove the antennas.

Vice Chairman Buechler stated that this will be adjourned to the next Zoning Board meeting on July 17, 2014 and that no further notice will be necessary.

Mr. Neuer suggested that the applicant provide an open ended extension of the statutory period for rendering a decision in case there is still a problem with the removal of the antennas.

Mr. Pryor requested an extension to the August Zoning Board meeting.

Vice Chairman Buechler stated that the application will be adjourned to the August 21, 2014 Zoning Board meeting if the applicant is not prepared to heard by the July 17, 2014 meeting.

- 2. ZB-14-02/E.G. Holdings Corp., dba Total Wine and More Carried from 5/15/14**  
Block: 155.21; Lot: 40; Zone: P-C  
495 Prospect Avenue  
“C” variance to install a flush mounted sign to the façade

## **EXHIBITS**

- A-1 – Photo Board (4 photos)
- A-2 – Photo Board (4 photos)
- A-3 – Floor plan with yellow and red markings (interior)
- A-4 – Existing signage – Michels & Waldon
- A-5 – Proposed signage by Imageworks

Rosemary G. Vinitzky Esq., attorney for the applicant, approached the podium and began detailing the application. She stated that the applicant is before this Board seeking variance approval for new signage in connection with an expansion project at this location that was approved by the West Orange Planning Board in January of this year.

Mr. Steinhart stated that he has previously done work for Ms. Vinitzky and asked Ms. Beirne if this would be a conflict. Ms. Vinitzky stated that her firm has not worked with Mr. Steinhart for at least four years. Ms. Beirne asked Ms. Vinitzky if the work was related to this client; she replied no. Ms. Beirne said there is no conflict.

Ms. Vinitzky called her first witness.

Martin Santini approached the podium and was sworn under oath. Mr. Santini detailed his educational and professional background as a licensed architect and a professional planner in the State of New Jersey. He said that he has provided testimony numerous times before this Zoning Board.

Vice Chairman Buechler accepted Mr. Santini as an expert in Professional Planning.

Mr. Santini presented two (2) photo boards: one showing an aerial view of the Essex Green Plaza, two (2) photos of the Total Wine store and a photo of Macy's Department Store; and one showing the Shop Rite storefront, and three views of various signs at the Shop Rite store. Vice Chairman Buechler asked to have the photo board with the aerial view and three other photos marked as Exhibit "A-1 for identification and the other photo board mared as Exhibit A-2 for identification.

Vice Chairman Buechler asked Mr. Santini if he took the photos; he replied yes that he took them in March of 2014.

Vice Chairman Buechler asked Mr. Santini if he did anything to modify or change the photos; he replied no.

Vice Chairman Buechler asked Mr. Santini if the photos accurately depict what he saw in March of 2014; he replied yes.

Mr. Santini presented the interior floor plans that were marked with yellow and red and a photo board of the existing façade and signage that was prepared by Michaels and Waldron Architects. Vice Chairman Buechler asked to have the interior floor plan marked as Exhibit A-3 for identification and the existing conditions of the façade and the signage, prepared by Michaels and Waldron Architects, marked as Exhibit A-4 for identification.

Mr. Santini presented a photo board showing the proposed signage; Vice Chairman Buechler asked to have the proposed signage marked as Exhibit A-5 for identification.

Mr. Santini began detailing Exhibit A-1 of the photos. He stated that the first photo is an aerial view of the Essex Green Plaza that he took from Google Earth. Mr. Santini said that the second photo is a picture of Macy's that is located in the Essex Green Plaza and he noted on the photo that the rear portion of the store is in the shade. He referred to the third and fourth photos and stated that these show the existing conditions of the Total Wine store and noted the existing sign area in the photos.

Vice Chairman Buechler asked Mr. Santini what time of the day he took the photos; he replied around 11:00 am.

Mr. Santini began detailing Exhibit A-2 of the photos of the Shop Rite supermarket that is located in the Essex Green Plaza. He said that the letters on the sign located on the façade of the Shop Rite supermarket are approximately the same size as the letters of the sign that they are proposing on the Total Wine sign.

Mr. Neuer stated that earlier in his career he was the attorney who represented the Essex Green Shopping Center and asked Ms. Beirne if there was any conflict; she replied no.

Mr. Santini referred to Exhibit A-3 and began detailing the interior floor plans of the store's expansion project that was approved by the West Orange Planning Board. He noted the larger façade on the plans and stated that the larger façade will accommodate the new proposed signage.

Mr. Santini referred to Exhibit A-4 of the existing signage and stated that the area of the sign is approximately 72 sq. ft. He said that the façade is 22' high and 72' long with approximately a 1540 sq. ft. area.

Mr. Santini referred to Exhibit A-5 of the proposed signage and detailed the dimensions of the new façade stating that the area is approximately 5000 sq. ft. He said that the proposed signage relates to the proportion of the new façade.

Mr. Neuer asked Mr. Santini what the Township's Ordinance says about massing and what is required. Mr. Santini said that massing is an architectural term meaning the general shape of something and he referred to the section in the Township's Ordinance that addressed massing.

Mr. Neuer asked Mr. Santini how the proposed sign complies with the Township's Ordinance; he said that the sign is aesthetically pleasing.

Vice Chairman Buechler asked Mr. Grygiel if the Township ordinance that Mr. Santini is referring to is only applicable to the Downtown area; he replied yes.

Mr. Santini said that the proposed signage will help with the free flow of traffic and safety; Mr. Bullock asked Mr. Santini to explain that statement. Mr. Santini said that the existing sign is difficult to read and the motorists will be able to read the proposed signage.

Mr. Neuer stated that the height of the lettering on the existing sign is 3' and they are proposing a new sign with lettering 5'6" high which is nearly double the size of the letters. He asked Mr. Santini if the current sign is too small; he replied yes.

Mr. Steinhart asked Mr. Santini if you would be able to see the proposed sign traveling east on route 280; he replied no.

Mr. Neuer asked Mr. Santini if they did a study about that; he replied no. He said professionally speaking you will not be able to see it from Route 280. Mr. Santini said that the visual visibility for a 6' high sign would be 400 to 500 feet where it is recognizable. He said the proposed signage would be in keeping with the adjacent signs on the other stores in the shopping center.

Mr. Santini said that the applicant has been granted approval to expand the inside of the store. He said that it is a very long store and they felt that the appropriate way to display the sign was with an arch design and a sign to fit into the façade. Mr. Santini said that the existing trees in the parking lot visually impair one's ability to see the sign.

Mr. Neuer said that a line of site drawing was not prepared to show the interference of the trees.

Mr. Steinhart asked Mr. Santini approximately how high the letters on the Macy's sign are; he said approximately 10' high or more.

Vice Chairman Buechler asked Mr. Santini how the sign would be lit; he said internally.

Vice Chairman Buechler asked Mr. Santini if the lights in the sign would be on 24 hrs. a day/ seven (7) days a week; he said that he thinks there is a restriction at the shopping center that when the stores close the sign lights must go off. Vice Chairman Buechler stated that he will recommend that as a condition of approval.

Mr. Neuer asked Mr. Santini to explain what impact the shade has on the sign; he said that the letters on the sign are harder to read in the shade when the façade is darker. Mr. Neuer stated for the record that the sign is illuminated.

Mr. Neuer asked Mr. Santini how much signage is currently on the pylons that are on the Prospect Avenue frontage. Mr. Santini said that the Total Wine sign is not on the pylons on Prospect Avenue.

Mr. Neuer asked Ms. Vinitsky if the Total Wine sign will be on the pylon on Prospect Avenue; she said that currently there is not a spot for the Total Wine sign but the owner of Essex Green is considering installing new pylon signs on Prospect Avenue.

Mr. Neuer stated for the record that he thought that Total Wine sign is currently on the pylon on Prospect Avenue.

Mr. Steinhart stated that he thinks the proposed sign is too big and asked Mr. Santini why this sign is better than something midway between the current sign and the proposed sign. Mr. Santini said that the expansion of the store is the reason that they are requesting this sign and that a smaller sign is not appropriate for the new façade.

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

There were no questions for Mr. Santini from any members of the public.

Ms. Vinitsky summed up by stating that the applicant is requesting one variance for the size of a new sign. She said that the reason for the size of the proposed sign is because the store doubled their space at the existing location and the size of the sign is appropriate for the new façade that was approved by the West Orange Planning Board.

Vice Chairman Buechler closed the hearing.

Vice Chairman Buechler asked if any members of the Board had any comments.



Mr. Neuer stated that the expansion of the store was positive but the size of the lettering on the signage being proposed is massive and double the size of the current letters on the sign. He said that there should be a reasonable compromise and that the sign should be reduced proportionately and the size of the letters should be no larger than 4' high.

Mr. Bullock stated for the record that you can see the current sign from some of the highest points when traveling east on Route 280 during the fall. He said that the applicant is entitled to a reasonable increase in their signage because they increased their space.

After some discussion between the Board members the consensus of the Board was that the sign is oversized and that they would like to see the letters reduced in size.

Mr. Neuer stated that the Board would like to approve the sign but not at the height that they are proposing the letters to be.

Vice Chairman Buechler asked Ms. Vinitzky if the applicant would be willing to scale down the sign, reducing the letters to 4'4" high, and come back with revised drawings; she replied yes.

Vice Chairman Buechler stated that this application will be adjourned to the July 17, 2014 regular meeting and that no further notice will be necessary. He stated that revised drawings must be submitted to the Board Secretary at least ten (10) days before this meeting.

Vice Chairman Buechler called for a recess at 9:24 pm.

Vice Chairman Buechler resumed the meeting at 9:33 pm.

**3. ZB-14-00/Wang**

**Carried from 5/15/14**

Block: 161; Lot: 30; Zone: R-5

7 Oak Avenue

Seeking three "C" variances for the expansion of an existing kitchen and the construction of an accessory structure in the rear of the house

**EXHIBITS**

A-1 – Exhibits 1-4

A-2 – Exhibits 5-8

A-3 – Photo Board and Tax Map

Peter Wang, applicant, approached the podium and was sworn under oath. Mr. Wang stated that he purchased the property at 7 Oak Avenue but currently lives in Rutherford New Jersey. He presented sketches of the proposed interior floor plans of the house and sketches of what is being proposed in the rear of the house.

Vice Chairman Buechler asked to have the proposed floor plans of the interior of the house marked as Exhibit A-1 and the proposed plans of the rear exterior of the house marked as Exhibit A-2, both for identification.

Mr. Wang presented a photo board of the existing conditions and a copy of the tax map. Vice Chairman Buechler asked to have the photo board of the existing conditions and the tax map marked as Exhibit A-2 for identification.

Vice Chairman Buechler asked Mr. Wang if he will be hiring a licensed architect to draw the plans for him; he said that he will be hiring a licensed architect to draw the plans when he applies for the building permits.

Vice Chairman Buechler asked Mr. Wang if he will be hiring a licensed contractor to do the work; he replied yes.

Mr. Wang referred to Exhibit A-1 and said that he is proposing to extend the existing kitchen. He said that the kitchen is currently opened to the living room and that in his culture they cannot cook in that type of a kitchen because they need high flames to cook and a vent is needed on top of the stove. Mr. Wang said that he is also proposing to add a second story to the house for additional bedrooms for his family.

Vice Chairman Buechler said that he did not see anything in the application about the second floor and asked Ms. Beirne if he would need an additional variance for that. Ms. Beirne said that a variance is not required for the second floor because the height will not exceed 35'.

Mr. Wang referred to Exhibit A-2 and said that he is proposing to build a greenhouse in the rear of the property. He said that the greenhouse was recommended by a doctor for his wife's mental health because she suffers from depression.

Vice Chairman Buechler asked Mr. Wang if the greenhouse will have heat inside; he replied yes.

Vice Chairman Buechler asked Mr. Wang if the basement level is exposed from the rear of the house; he replied yes. He said that it is 2 ½ stories and that it is a walk out basement and fully exposed from the rear.

Mr. Grygiel stated that he did not understand that Mr. Wang was putting a second story on the house. He said that adding a second story would require another variance because only 2 ½ stories are allowed by Township ordinance.

Mr. Neuer stated that for the Board to consider approval of this application they would need to see the architectural description, design, elevations and know what variances are required and the applicant did not provide them with this information.

Vice Chairman Buechler advised Mr. Wang to hire a licensed architect to draw the architectural plans and come back with them. He said that once he hires an architect, Mr. Grygiel will have a conversation with them.

Vice Chairman Buechler stated for the record that this application will be adjourned until the August 21, 2014 regular Zoning Board meeting and that no further notice will be necessary.

Mr. Wang asked if he could be carried to the September 18, 2014 meeting because he will be out of the country the month of July.

Vice Chairman Buechler said that the application will be carried to the September 18, 2014 regular Zoning Board meeting and no further notice will be necessary. Mr. Wang extended the time for the Board to render a decision.

**4. ZB-14-03/Prakash Properties, LLC**

Block: 158.02; Lot: 101; Zone OB-1

393 Northfield Avenue

“D” use variance & several “C” variances to renovate an existing mixed-use building for medical offices and a three bedroom apartment.

**EXHIBITS**

A-1 – Architectural plans – 7 sheets (A-1, A-11, A-2, A-2.1, A-9, A-1.1, B-1)

A-2 – Engineering Drawings - 2 sheets

Joseph A. Vena, Esq., attorney for the applicant, approached the podium and began detailing the application. He stated that his client purchased this property so that he could operate his medical practice out of it. Mr. Vena stated that the building is an existing non-conforming use and that it was a medical office building when he purchased it in January 2013.

Mr. Vena called his first witness.

Dr. Prakash Paragi approached the podium and was sworn under oath. Dr. Paragi stated that he is currently practicing at St. Barnabas Hospital and purchased the property to renovate it for his own practice. He said that the building was previously used as a doctor’s office when he purchased it and that the building needed repairs.

Mr. Vena asked Dr. Paragi if he applied for building permits before he started the repairs; he replied yes. Dr. Paragi stated that when he went to apply for the building permits, there was a problem with the staircase. He said that the Zoning Official told him that because they are removing an existing staircase and replacing it, that he would have to go before the Zoning Board for site plan approval.

Dr. Paragi began detailing the changes that were being made to the building. He stated that there are currently seven parking spaces on site and that he wants to make one of them a handicap parking space. Dr. Paragi stated that the second floor currently has an apartment that connects to the third floor and that they are taking part of that existing space to make a lounge area for the staff. He said that all of the building permits were obtained for that and that construction has been performed.

Vice Chairman Buechler asked Dr. Paragi if the staff has to walk outside of the building to get to the second floor lounge area; he replied yes. Dr. Paragi said that the lounge is for staff only and not available to his patients.

Dr. Paragi stated that the apartment on the second floor has one means of egress from outside of the building. Vice Chairman Buechler asked Dr. Paragi if they need a second means of egress for the apartment; he said that he did not know and that the architect can answer that question.

Vice Chairman Buechler asked Dr. Paragi if he is putting his office on the first floor; he replied yes.

Vice Chairman Buechler asked Dr. Paragi how many staff members there are; he replied that there are two (2) staff members.

Vice Chairman Buechler asked Dr. Paragi how many doctors there will be; he replied one doctor besides himself.

Vice Chairman Buechler stated that there six (6) examining rooms and asked Dr. Paragi how many patients will be there at one time; he replied four (4) or five (5).

Vice Chairman Buechler stated that there would be approximately a total of ten (10) people on site at one time and asked Dr. Paragi where they would park if there are only six (6) parking spaces and one handicap space; he said that the priest at St. Joseph's Church is giving them permission to have the staff park in the church parking lot. Dr. Paragi said that the other option is to have them park on the street.

Vice Chairman Buechler asked Dr. Paragi if it is possible that the tenants could have two (2) cars; he replied yes.

Vice Chairman Buechler asked Dr. Paragi if there will be reserved parking for the tenants; he replied no.

Vice Chairman Buechler asked Dr. Paragi if it would be possible for the tenants to park there all day and occupy two (2) parking spots; he replied yes.

Vice Chairman Buechler asked Dr. Paragi what the office hours will be; he replied 9am to 4pm Monday to Friday, Saturday has day hours and no office hours on Sundays.

Dr. Paragi stated that he does not need a variance for parking; he said the Zoning Officer said that the variance is because they are accessing the second floor as a lounge by means of a relocated exterior stairway.

Mr. Neuer asked Dr. Paragi how long the property was vacant; he replied approximately two (2) years.

There were no further questions for Dr. Paragi from the Board members or the Professionals.

Vice Chairman Buechler stated for the record that there are no members of the public in the room for this application.

Mr. Vena called his next witness.

Vinu M. Patel approached the podium and was sworn under oath. He detailed his professional background as a licensed architect in the State of New Jersey.

Vice Chairman Buechler asked Mr. Patel how long he has been licensed as an architect; he replied since 1987. He stated that he has testified before many Boards before and that his license has never been suspended.

Vice Chairman Buechler accepted Mr. Patel as an expert in Architecture.

Mr. Patel presented architectural plans. Vice Chairman Buechler asked to have the seven (7) sheets of the architectural plans marked as Exhibit A-1 for identification.

Vice Chairman Buechler asked Mr. Patel if these plans are the ones submitted with the application; he replied yes.

Vice Chairman Buechler asked Mr. Patel if any changes were made to these plans; he replied no.

Mr. Patel referred to Exhibit A-1 and began detailing the existing conditions of the first floor and what they are proposing. He noted that there will be fewer examining rooms than were originally used by the prior owner. Mr. Patel stated that the medical use area on the first floor will be in the same area as the previous medical use area.

Mr. Patel detailed what is being proposed on the second floor and that there will be a lounge for the doctors. He said that the third floor will remain the same. Mr. Patel stated that there will be two rest rooms on the second floor and noted where they will be located.

Mr. Patel detailed the exterior renovations and noted where they removed the original staircase and where the proposed one will be located. He said that the site plan issue was with the staircase being relocated and the striping of the parking spaces.

Mr. Vena stated that he was hoping to conclude this at the meeting tonight and that the applicant is only here because of the replacement of the staircase.

Mr. Patel presented the engineering plans. Vice Chairman Buechler asked to have the two sheets of the engineering plans marked as Exhibit A-2 for identification.

Mr. Patel stated that the engineering plans are the same ones that were submitted with the application and began detailing the location of the new staircase. He said that the stairs are located on the property line and that is why a variance is needed.

Mr. Neuer asked Mr. Patel if the third floor needs a second means of egress; he replied no. He said that only one means of egress is required because it is treated as a single family home.

Mr. Neuer asked Mr. Patel to provide the code regarding egress from the second and third floor.

Mr. Vena stated that the Township would not have issued building permits if the plans were not in compliance with the code regarding the egress.

Dr. Prakash approached and stated that he was told that a variance was required for parking, the relocation of the staircase and the expansion of a non-conforming use only.

Mr. Vena said that he has a witness that will testify to the expansion of a non-conforming use.

Vice Chairman Buechler said that the building was vacant for about three years and that they have altered the building.

Mr. Vena said that it was always an office use and a medical office building and it is an expansion of a non-conforming use. He said that if they did not have to replace the staircase and install a lounge on the second floor they would not need a variance.

Mr. Bullock referred to Mr. Grygiel's report and stated that the building has been in existence since 1959 and that no other proof was presented for the expansion of a non-conforming use. He said that the Board will need to hear more testimony.

Mr. Vena said that if they amend the application to eliminate the lounge on the second floor and the first floor is used strictly for medical use then they will only need a variance for the relocation of the stairs to the side yard.

Vice Chairman Buechler asked Mr. Vena what they will do about all of the construction that was already completed; he said that they will re-configure it.

Vice Chairman Buechler stated that they will still require a parking variance; Mr. Vena said no because it will be exactly the same as the prior use.

Mr. Neuer said that he agrees with Mr. Bullock and that the Board will need to hear more testimony regarding the expansion of a non-conforming use.

Vice Chairman Buechler stated that when they do come back they will have to provide testimony as to how they will re-configure all of the construction that was completed and tell the Board what they are now proposing.

Vice Chairman Buechler stated for the record that this application will be carried to the regular Zoning Board meeting on July 17, 2014 and that no further notice will be necessary.

The meeting was adjourned by Vice Chairman Buechler at 10:57 pm.

Adopted: July 17, 2014

  
Rose DeSena  
Zoning Board Secretary