

**MINUTES**  
**TOWNSHIP OF WEST ORANGE**  
**ZONING BOARD OF ADJUSTMENT**  
**REGULAR MEETING**  
**July 17, 2014**

The West Orange Zoning Board of Adjustment held a regular meeting on July 17, 2014 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairwoman Gabry 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."

Chairwoman Gabry 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, W. Merklinger, P. Neuer,  
B. Quentzel, W. Steinhart, M. Sussman, A. Weiss

**ABSENT:** None

**ALSO PRESENT:** Kate Keller, 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 24, 2014 (Special Meeting) – 8:00 pm  
August 21, 2014 (Regular Meeting) – 8:00 pm  
September 18, 2014 (Regular Meeting) – 8:00 pm  
October 23, 2014 (Regular Meeting) – 8:00 pm

Chairwoman Gabry stated that application ZB-14-04 for Patin and ZB-14-06 for New Cingular Wireless, were both scheduled to be heard at this meeting; both applicants have requested to be carried over to the next regular Zoning Board meeting held on August 21, 2014.

Chairwoman Gabry granted the requests and stated for the record that no further notices will be necessary for both applications.

## REORGANIZATION

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

A motion to nominate Mr. Neuer for Vice-Chairman was made by Mr. Buechler and Chairwoman Gabry seconded the motion. There were no further nominations for Vice-Chairperson. Chairwoman Gabry called for the vote and it was voted upon all to none. The motion was approved.

A motion to re-appoint Ms. DeSena as Secretary was made by Mr. Neuer and Chairwoman Gabry seconded the motion. Chairwoman Gabry called for the vote and it was voted upon all to none. The motion was approved.

A motion to re-appoint Ms. Beirne as Board Attorney was made by Mr. Neuer and Chairwoman Gabry seconded the motion. Chairwoman Gabry called for the vote and it was voted upon all to none. The motion was approved.

A motion to re-appoint Debbie Dillon t/a Audio Digital Transcription Services as Board Transcriber was made by Mr. Neuer and Mr. Steinhart seconded the motion. Chairwoman Gabry called for the vote and it was voted upon all to none. The motion was approved.

## SWEARING IN

Consulting Planner for the Township, Kate Keller was sworn under oath.

## MINUTES

**Adopt Minutes:** June 19, 2014 (regular meeting)

Chairman Buechler made a motion to approve the minutes from the June 19, 2014 regular Zoning Board of Adjustment meeting as submitted to the Board members; Mr. Neuer seconded the motion and all were in favor.

It was noted for the record that Ms. Gabry, Mr. Quentzel and Mr. Merklinger were present but did not vote on these minutes.

Mr. Bullock asked Chairman Buechler if the Zoning Board would be re-aligning itself with the Township Ordinance regarding changing the terms of all elected Officials and Board members

from July 1 to January 1; Chairman Buechler said that the Board will have to modify the Zoning Board Rules of Procedures.

Chairman Buechler stated that Ms. Gabry was not present for the previous hearings for Communication Infrastructure, E.G. Holding Corp. and Prakash Properties and that she is being excused for the remainder of the meeting.

**APPLICATIONS**

- 1. ZB-14-01/Communication Infrastructure Corp. Carried from 6/19/14**  
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.

Chairman Buechler asked Mr. Pryor if the bird’s nest on the Richland tower was removed; Mr. Pryor stated that the nest was deemed inactive and removed along with the antennas that were inactive.

Chairman Buechler stated that this application has been carried many times and that Mr. Pryor has supplied the Board with the appropriate documentation that was required.

Chairman Buechler asked if any Board members had any comments.

Mr. Neuer stated that the applicant provided the Board with the requested documentation in acceptable form thereby satisfying the Board’s request.

Chairman Buechler made a motion to approve the application with the following conditions:

- Going forward, all antennas which become inactive must be removed within 90 days from the date of such inactivity.
- The new antennas must be painted to match the color of the tower.

Mr. Neuer seconded the motion to approve the application.

The vote was as follows:

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

**2. ZB-14-02/E.G. Holdings Corp. dba Total Wine**

**Carried from 6/19/14**

Block: 155.21; Lot: 40; Zone: P-C

495 Prospect Avenue

“C” variance to install a flush mounted sign to the façade

Rosemary G. Vinitzky Esq., attorney for the applicant, approached the podium.

Chairman Buechler stated that at the last Zoning Board meeting held on June 19, 2014, the consensus of the Board was that the proposed signage was too large and the Board requested that the applicant consider scaling it down. He said that the Board received a revised sign drawing prepared by Image Works dated 6/27/14 showing that the sign was scaled back and the sizes of the letters were proportionately reduced per the request of the Board.

Mr. Neuer asked Ms. Vinitzky if the sign will still be illuminated; she replied yes.

Mr. Neuer asked Ms. Vinitzky what hours the sign will be lit; she said they will comply with the Township Ordinance.

Chairman Buechler stated that at the last hearing the applicant provided testimony that as with all signs in the Essex Green Plaza, the lights are to go off when the store closes and said that he will recommend that as a condition of approval.

Chairman Buechler asked if any members of the public had any comments; there were none.

Chairman Buechler made a motion to approve the application with the following condition:

- The sign will be lit only when the store is open and the lights on the sign are to go off within a half hour after the store closes.

Mr. Neuer seconded the motion to approve the application.

The vote was as follows:

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

Joseph A. Vena, Esq. approached the podium. Mr. Vena stated that he is the attorney for the ZB-14-03 Prakash Properties application and asked Chairman Buechler if he could have ten minutes to speak to Kate Keller, P.P., who is representing our consulting Planner Paul Grygiel at this meeting.

Chairman Buechler asked Mr. Vena if it would be OK if the Board heard the next application on the agenda while they waited for Mr. Vena to proceed; he replied yes.

**3. ZB-14-07/Katz**

Block: 176.16; Lot: 11; Zone: R-5

12/14 Dale Drive

Seeking two "C" variances, one for rear yard setback and the other for maximum lot coverage for the expansion of an existing kitchen.

Alexandra Rimer and David Katz approached the podium and were sworn under oath.

Chairman Buechler stated for the record that he knows Mr. Katz and asked Ms. Beirne if there would be a conflict.

Ms. Beirne asked Chairman Buechler if he has any financial interest in this application; he replied no. Ms. Beirne stated that there is no conflict.

Ms. Rimer detailed the application and stated that they would like to "bump out" their existing kitchen, creating a breakfast room in the rear of the house.

Chairman Buechler asked Ms. Rimer if they received any comments from any of their neighbors; she said that they only received positive comments from their neighbor to the right of them.

Chairman Buechler asked Ms. Rimer if they will be using a licensed contractor to do the work; she replied yes.

Ms. Sussman referred to a photo of the rear of the house and asked Ms. Rimer if there will be an open area underneath the addition the same as the other area in the rear that is shown in the photo; she replied yes.

Mr. Quentzel asked Ms. Rimer if anyone goes under that area or if children play under there and asked Ms. Rimer if they would consider enclosing it. Ms. Rimer stated that the door leading into the basement is located under that area and that is the only way to get into the basement from the outside.

Mr. Sussman stated that the photo is not consistent with the survey.

Chairman Buechler stated that the survey does not show the elevations and the two stories

Mr. Neuer stated that the proposed addition was incorrectly drawn on the survey.

There were no further questions for Ms. Rimer and Mr. Katz from the Board or the Professionals.

Chairman Buechler closed the hearing.

Mr. Neuer made a motion to approve the application.

Chairman Buechler stated that he would like to recommend the following condition of approval:

- The materials to be used on the exterior of the house for the addition should match the color and style of the existing materials on the house.

Mr. Bullock seconded the motion to approve the application.

The vote was as follows:

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

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

**Carried from 6/19/14**

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-3 – Letter from the Township’s Construction Official dated 6/23/14

A-4 – International Building Code Section 1015 regarding Exit or Exit Access Doorways from spaces.

A-5 – Copies of Certificates of Continued Occupancy dated 8/6/03 & 3/6/08 & permit #8427 to build the office building dated 9/19/58 & permit #8972 to build the 2<sup>nd</sup> story dated 7/16/59.

A-6 – Temporary Certificate of Continued Occupancy issued 1/18/13.

A-7 - Copy of the Township’s Tax Assessment Card for the building dated 6/15/70.

A-8 – Photos taken by Peter Steck, P.P. dated 7/17/14.

A-9 – Historic Multiple Listing Activity for 391-393 Northfield Avenue prepared by Matthew S. Sprung, P.P. dated 7/16/14.

Joseph A. Vena, Esq., attorney for the application, approached the podium and stated that this application was last heard at the June 19<sup>th</sup> Zoning Board meeting.

Mr. Neuer stated that he is using Peter Steck as a Planner for a matter in another town and asked Ms. Beirne if it would be prudent to step down because Mr. Steck is the Planner for this application. Ms. Beirne said that it is her opinion that he should step down.

Chairman Buechler stated that this is not a basis of disqualification for Mr. Neuer to be using Mr. Steck as a Planner and that, for the record, he disagrees with her decision to have Mr. Neuer step down.

Chairman Buechler stated Mr. Neuer is recused from hearing this application and has an excused absence. Mr. Neuer stepped down from the dais.

Chairman Buechler stated that Mr. Quentzel and Mr. Merklinger were also absent from the June 19<sup>th</sup> meeting and they are excused from hearing this application.

Mr. Vena stated that with Mr. Neuer being recused, there are only five Board members and he would like to have the application carried over to the next meeting.

Chairman Buechler asked Mr. Vena if he would like to order transcripts from the June 19<sup>th</sup> meeting for Mr. Quentzel and Mr. Merklinger so that they can stay for this hearing and read the transcripts from the June 19<sup>th</sup> meeting before the next hearing on August 21<sup>st</sup>.;Mr. Vena agreed to order transcripts from the June 19, 2014 meeting.

Chairman Buechler rescinded, for the record, Mr. Quentzel and Mr. Merklinger being excused from hearing this application.

Mr. Vena called the applicants Engineer as his first witness.

Bhaskar R. Halari approached the podium and was sworn under oath.

Mr. Vena said that he would like to address the pre-existing non-conforming use issue that was raised at the last meeting. He said that it is a pre-existing non-conforming use if the applicant decides to remove the use of the second floor and just utilize the first floor.

Chairman Buechler addressed Mr. Vena stating that he did not give the Board a definitive answer as to what his client wanted to do. He said that at the last meeting the applicant was going to consider moving forward with the proposed plan to make the lounge on the second floor or leave it like it is. Chairman Buechler said that no revised drawings were submitted to the Board to modify the plans and he is going to assume that the applicant is going forward with the original plans. Mr. Vena said that they are proceeding with the original plan for an expansion of a pre-existing non-conforming use and requesting variances for the relocation of the stairs, the lounge on the second floor and parking.

Mr. Vena said that he would also like to address other issues that were raised at the last meeting. He said one issue was regarding a door between the apartment area and the break room area and another issue was regarding a secondary means of egress required from the third floor. Mr. Vena said both of these issues are for the Township's Construction Department to address and not the Zoning Board.

Mr. Vena presented a letter from the Township's Construction Official, Tom Tracy.

Chairman Buechler asked to have the letter from the Township's Construction Official dated 6/23/14 marked as Exhibit A-3 for identification.

Mr. Vena referred to Exhibit A-3 and stated that, according to the Township's Construction Official, a second form of egress from the third floor is not required. Chairman Buechler stated that is not how he understood the letter. He said that he does not know if the Construction Official understood the drawings and suggested that Mr. Vena bring him to the meeting to testify. Mr. Vena stated that at the last meeting, the Board asked him to provide testimony regarding a second means of egress not being required for the third floor. Chairman Buechler said that the letter he presented as Exhibit A-3 is only hearsay and not testimony.

Chairman Buechler stated that the issue the Board has with the break room being proposed on the second floor is that there are usually drugs in a break room. Mr. Vena stated that the break room is for staff members only and that there are not going to be any drugs in that room. He said that the break room is not connected to the first floor and that you would have go out the door and up the stairs to get there. Chairman Buechler stated that his concern is that, if approved, the variances run with the land. Mr. Vena stated that the Board could stipulate as a condition of approval that no medical equipment or no drugs are to be in the break room.

Mr. Vena stated that he would like to call the applicants architect to testify to the fact that a second means of egress is not required from the third floor.

Vinu M. Patel approached the podium and was sworn under oath. Mr. Vena asked Mr. Patel to explain why a second means of egress not being required from the third floor according. Mr. Patel presented a copy of the International Building Code that was adopted by the State of New Jersey.

Chairman Buechler asked to have the section of the International Building Code marked as Exhibit A-4 for identification.

Mr. Patel stated that at the last meeting the Board asked to be provided with the specific construction code regarding a second means of egress not being needed for the third floor as part of his testimony. He referred to Exhibit A-4 and read section 1015 of the International Building Code that was adopted by the State of New Jersey regarding exit access doorways for mix use occupancies.

Chairman Buechler asked Mr. Patel if his testimony is that the building code in affect in the State of New Jersey, regarding mixed occupancies, is that if it is residential and that no more than ten (10) people live there then only one egress is permissible; he replied yes.

Chairman Buechler stated that Mr. Patel's testimony satisfied the Board and that the third floor does not need a second means of egress.

There were no questions for Mr. Patel from the members of the Board or the Professionals.

There were no questions for Mr. Patel by the members of the public.

Mr. Vena stated that there is another issue that he would like to resolve regarding the pre-existing non-conforming use. He presented copies of the certificates of continued occupancy



dated 8/6/03 & 3/6/08 and copies of the Township's building permit #8427 to build the office building dated 9/19/58 and permit #8972 to build the 2<sup>nd</sup> story dated 7/16/59.

Chairman Buechler asked to have the copies of the certificates of continued occupancy dated 8/6/03 & 3/6/08 and copies of the Township's building permit #8427 to build the office building dated 9/19/58 and permit #8972 to build the 2<sup>nd</sup> story dated 7/16/59 marked as Exhibit A-5 for identification.

Mr. Vena referred to Exhibit A-5 and stated that he received these documents from the Township of West Orange's Building Department that show what has been at this location since 1959. He said that this is the only way that he can prove it is a pre-existing non-conforming use.

Chairman Buechler stated that these documents do not prove that there has not been abandonment. Mr. Vena said that it is a pre-existing non-conforming use and that these are the only records the Township has in their archives that show that the building was built prior to 1978 as a legal use. He said that a continued certificate of occupancy would not have been issued by the Township's Construction Official unless it was a legal use. Mr. Vena said that there was a second permit issued by the Township to allow the apartment to be built over the first floor office building.

Chairman Buechler asked Mr. Vena when the third floor was built; Mr. Vena said that he is assuming that the building permit for the second floor included the entire structure.

Mr. Vena presented a copy of a temporary certificate of occupancy issued by the Township in 2013.

Chairman Buechler asked to have the copy of the temporary certificate of occupancy issued by the Township on 1/18/13 marked as Exhibit A-6 for identification.

Mr. Vena referred to Exhibit A-6 and stated that this building has been the same since it was built. He said that this establishes that it is a pre-existing non-conforming use or the Township would not have issued a temporary certificate of occupancy in 2013.

Chairman Buechler stated that none of these documents made reference to the third floor level; he said that it only states it is one apartment. Mr. Vena said it is one apartment on the second and third floor and that they were already issued building permits by the Township for the renovations.

Chairman Buechler asked Mr. Vena if the building was occupied or vacant when the applicant purchased it in January of 2013; he said vacant.

Chairman Buechler asked Mr. Vena how long it was vacant before he purchased it. Mr. Vena stated he would like to call the owner, Dr. Paragi, to answer that question.

Dr. Prakash Paragi approached the podium and was sworn under oath.

Chairman Buechler asked Dr. Paragi if he purchased the building in 2013; he replied yes.

Chairman Buechler asked Dr. Paragi if the building was vacant when he purchased it; he replied yes.

Chairman Buechler asked Dr. Paragi how long the building was vacant before he purchased it; he said that the second floor was vacated right before he purchased the building and that he does not know how long the offices on the first floor were vacant before he purchased it.

Mr. Vena presented a copy of the Township's tax card for the building dated 6/15/70 and passed out copies of it to the Board members.

Chairman Buechler asked to have the Township's tax card for the building dated 6/15/70 marked as Exhibit A-7 for identification.

Chairman Buechler stated that nothing was provided to the Board that shows them when the third floor of this building was constructed. He said that the Board understands that it is a pre-existing non-conforming use but they are asking if it was abandoned.

Ms. Weiss agreed with the Chairman and said that the Board agrees that the building is an existing non-conforming use. She said that the only testimony regarding the abandonment issue was provided by Dr. Paragi and he said that someone lived there and it was partially abandoned when he purchased the building.

Mr. Vena stated that he can only present to the Board the records that the Township has.

Chairman Buechler referred to Exhibit A-7 and said that the 1970 document from the Township's Tax Assessor says that the number of floors are two.

Mr. Steinhart stated that he is going to need some other documentation that says the building has three floors.

Mr. Bullock stated that he thinks they cleared the abandonment issue. He said that there is an existing construction permit issued but questioned what basis the permit was issued if there is no record of a third level.

Mr. Patel approached the podium and stated that, based on his experience, the way the building was designed is that the second and third floor were built at the same time. He said that it is really not a third floor; it is more like an attic space. Mr. Patel said that his testimony is that the second and third level were built together and that the third level is part of the second level.

Mr. Steinhart stated that he is questioning if the third level was built legally; Mr. Vena stated that a continued certificate of occupancy would not have been issued by the Township if it was not legal.

Chairman Buechler called for a recess at 9:47 pm.

Chairman Buechler resumed the meeting at 10:01 pm.

Mr. Vena asked Chairman Buechler if the Board reached a decision regarding the pre-existing non-conforming issue; Chairman Buechler stated that the Board is not making any decisions at this meeting tonight.

Mr. Vena called his next witness.

Peter Steck approached the podium and was sworn under oath. Mr. Steck began detailing his professional background as a Professional Planner licensed in the State of New Jersey.

Chairman Buechler stated that Mr. Steck has testified before this Board many times before and accepted him as an expert in Professional Planning.

Mr. Steck stated that this application is very simple. He said that the building existed in West Orange for many years, it was for sale and the applicant purchased it so that he could utilize the first floor for his medical practice. Mr. Steck said that the applicant did not need the five (5) bedroom apartment that was on the second floor because it would attract a large family and so the applicant decided to put a break room on the second floor for his staff. He said that there are two principal uses on the property; an office and an apartment and it has been established that there has always been two principal uses on this property since 1959 when it was built.

Mr. Steck stated that abandonment is only if it is an intentional abandonment as defined in the Township's ordinance. He said that non-use is not an abandonment.

Chairman Buechler stated that this was not the language of the ordinance.

Mr. Steck said that as long as nothing is changed within the structure it is not an abandonment.

Mr. Steck said that nothing was physically changed in the building that would change the use. He said that the applicant renovated the building as is and wanted to expand the office space on the second floor by creating a break room. Mr. Steck said that the break room on the second floor is the expansion of a non-conforming use.

Mr. Steck said that the stairs were relocated because they were damaged during Super Storm Sandy, which is permitted by Township ordinance, and the relocation of the stairs triggered a side yard variance.

Mr. Steck presented photos to the Board. Chairman Buechler asked Mr. Steck if he took these photos; he replied yes that he took the photos today.

Chairman Buechler asked to have the photos prepared by Mr. Steck dated 7/17/14 marked as Exhibit A-8 for identification.

Mr. Steck referred to Exhibit A-8 and detailed the existing signs on the building. He said that there is a plaque on the front wall of the building showing that it was erected in 1958 and a sign that has the prior doctor's names on it who were tenants at one time.

Mr. Steck stated that the reconstructed stairway is more logical because it is further from the closest property line. He said that now there is a clear pathway to get in and out of the building and that the relocation of the stairs is safer.

Mr. Steck stated that the applicant took away one regular parking space and installed a handicap parking space which now makes the parking lot ADA compliant.

Mr. Steck said that there is no expansion of the residential unit and as long as it remains office space it is not a change of use. He said all they did was reduce one examining room on the first floor.

Mr. Steck said that if they returned the second floor apartment to five (5) bedrooms then the "d" variance disappears. He said the applicant made the decision to supply a space for the staff on the second floor instead of keeping the five (5) bedrooms because it would not generate a need for more parking.

Mr. Steck said, in summary, that two principal uses have been established as legal uses and not abandoned. He said that this is not the location for a five (5) bedroom apartment that would attract a large family. Mr. Steck said that the applicant is taking advantage of the perfect location for his medical office and that the benefits outweigh the detriments.

Mr. Merklinger stated that Mr. Steck simplified things for the Board and explained it well.

Mr. Bullock stated that he agreed with Mr. Merklinger and that Mr. Steck cleared up some of the questions that the Board had.

Mr. Sussman stated that the Board may never know if the addition of the third floor was legal.

Mr. Quentzel asked Mr. Steck if the exterior access to the break room is built yet; he replied no.

Mr. Quentzel asked Mr. Steck if he thought it would be better to have an interior access to the break room instead of having to go outside to access it; he said that the reason the applicant is proposing the access to the second floor from the outside is because he does not want to lose the square footage on the first floor.

Chairman Buechler asked Mr. Steck how many parking spots they are proposing; he said there are seven (7) existing parking spots and they are proposing five (5) parking spots and one handicap parking spot.

Mr. Steck stated that the Township's Zoning Officer told the applicant to ask for the parking variance. Chairman Buechler told Mr. Steck that his report states that they do need a parking variance. Mr. Steck said that he went by what was in the application when he prepared his report

and that it is his opinion that they do not need a parking variance. He said that on-street parking is allowed. Chairman Buechler stated that if they do park on the street in the morning, they would have to move their cars by 4 pm and that no parking is allowed in the front of the building because it is a corner lot.

Ms. Keller asked Mr. Steck if the off-site parking is still on the table; he replied yes. Mr. Steck said that it is his understanding that the local pastor of the church cannot give his permission for them to park in the church parking lot and that only the Archdiocese in Newark can permit them to park there. He said that the Church cannot guarantee permanent parking on their lot; he said short term parking is no problem but long term parking is a problem.

Chairman Buechler asked Mr. Steck if he knew of any restrictions to park in the church parking lot; he said none that he knows of. Mr. Steck said that Sunday morning parking may be a restriction but the doctor's office is not open on a Sunday.

Ms. Keller said that this may be an option for parking but they have nothing in writing so as it stands six (6) parking spaces are being proposed when twenty four (24) are required.

Mr. Vena asked Mr. Steck if the break room was excluded, how many parking spaces will be required; he said that would reduce the number by two (2) parking spaces.

Mr. Vena asked Mr. Steck if they reduced the square footage of the break room how many parking spaces would be required; he said it would be reduced by 6.5 spaces and they would need 17.5 parking spaces.

There were no further questions for Mr. Steck by the members of the Board or the Professionals.

There were no questions for Mr. Steck by the members of the public.

Mr. Vena called his next witness.

Matthew Sprung approached the podium and was sworn under oath. He detailed his professional background as a licensed real estate broker in the State of New Jersey and stated that he has testified before Boards in matters like this before.

Chairman Buechler accepted Mr. Sprung as an expert in real estate.

Mr. Sprung presented the Board with a copy of the historic multiple listing activity for 391-393 Northfield Avenue.

Mr. Vena asked Mr. Sprung if he prepared this report; he replied yes.

Chairman Buechler asked to have the historic multiple listing activity for 391-393 Northfield Avenue dated 7/16/14 marked as Exhibit A-9 for identification.

Chairman Buechler referred to Exhibit A-9 and asked Mr. Sprung if the building says how many floors it is; he said no.

Chairman Buechler asked Mr. Sprung how many bedrooms it says there is; he said on the first page it stated there are four (4) bedroom.

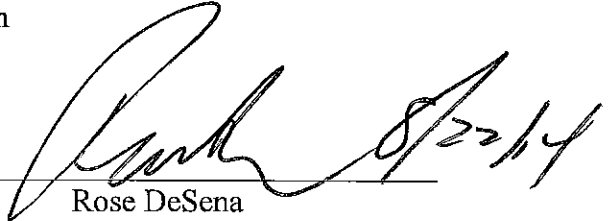
Mr. Vena said that the Multiple Listing Survey documents are to prove that the building was not abandoned. Chairman Buechler read the Township ordinance 25-24.1 for abandonment for non-conforming uses.

Mr. Sprung stated that there was always a tenant in the building before the applicant purchased the property.

Chairman Buechler noted for the record that the meetings end at 11:00 pm. He stated that this application will be adjourned until the next Zoning Board meeting held on 8/21/14 and that no further notice will be required.

The meeting was adjourned by Chairman Buechler at 11:06 pm

Adopted: August 21, 2014

  
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Rose DeSena  
Zoning Board Secretary