

**MINUTES  
TOWNSHIP OF WEST ORANGE  
ZONING BOARD OF ADJUSTMENT  
MEETING  
June 16, 2011**

The West Orange Zoning Board of Adjustment held a regular meeting on June 16, 2011 at 8:00 PM at 66 Main Street, West Orange, NJ in Council Chambers.

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

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

PRESENT: Chairman Buechler, Vice Chairman Neuer, B. Quentzel,  
W. Steinhart, A. Weiss

ABSENT: G. Bullock, D. Gabry, M. Sussman

ALSO PRESENT: Planning Director: Susan Borg, A.I.C.P., P.P., A.I.A.  
Board Attorney: Alice Beirne, Esq.  
Public Advocate, Harvey Grossman, Esq.  
Board Secretary, Rose DeSena

**ANNOUNCEMENT OF FUTURE MEETING DATES**

Future Meetings: June 23, 2011 (Special Meeting) -- 8:00 P.M.  
July 14, 2011 (Regular Meeting) - 8:00 P.M.  
August 18, 2011 (Regular Meeting) - 8:00 P.M.  
September 22, 2011 (Regular Meeting) - 8:00 P.M.

**DISCUSSION**

Director Borg stated that the applicant, Golda Och Academy, was not prepared to make their scheduled special meeting date of June 23, 2011.

The Board discussed other available dates. The next available date, that all could attend, was in August. Chairman Buechler noted that last year the Board had 22 meetings and there were entirely too many. He also noted that if the applicant intended to complete the work before school started in September that August would be too late. Mr. Neuer requested Director Borg reach out to the applicant to see if they would be ready for a meeting in July.

**MINUTES**

Chairman Buechler made a motion to adopt the minutes from the May 19, 2011 regular meeting. All were in favor.

The Minutes of the regular meeting of May 19, 2011 were adopted unanimously

Chairman Buechler made a motion to adopt the minutes from the May 26, 2011 special meeting. All were in favor.

The Minutes of the special meeting on May 26, 2011 were adopted unanimously.

**SWEARING IN**

Township Professional, Planning Director Susan Borg

**ANNUAL REPORT**

The annual report for 2010-2011 was presented for adoption.

Chairman Buechler requested that the report reflect a recent withdrawal of an application.

Alice Beirne noted a correction to litigation involving Seton Hall.

A motion to adopt the Zoning Board of Adjustment's 2010-2011 Annual Report was made by Mr. Steinhart; Chairman Buechler seconded. Vote was as follows:

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

**DISCUSSION**

Chairman Buechler stated that application **ZB-11-11/Carlucci** was withdrawn by the applicant and asked if anyone was there to hear this application. He noted, for the record, that no one was present for that application.

Chairman Buechler addressed a letter that was sent to the attention of the Zoning Board from Donna Erem, attorney for **Cambria Suites Hotel**, requesting an extension to file their sub-division deeds with the Essex County Registrar. Their deadline was May 20, 2011.

Mr. Neuer asked the Board Attorney if there would be a conflict of interest for him to listen to this matter because he is the co-counsel for this applicant on another matter. Ms. Beirne stated there was no conflict.

Mr. Neuer questioned if they could extend the time of condition by letter or do they need a formal application to change that condition? He also questioned if they were authorized

to do so after the fact. Ms. Beirne stated that she thinks it needs to be a formal application.

Chairman Buechler requested that Ms. Beirne contact Ms. Erem and asked her to address not only the extension and application, but whether they could after the fact.

Mr. Neuer stated that he didn't understand why they couldn't file a deed and Chairman Buechler stated there was something unusual about not being able to file it.

Chairman Buechler also stated that the Board was disappointed that the attorney was not at the meeting. He stated that, even though she couldn't testify, they should have had someone here that could.

**RESOLUTIONS**

**ZB-09-01/MBP, Inc. (Essex House)**  
**(Application approved 4/21/11)**

**Carried over from 5/19/11**

Block: 159.04 Lots: 1.01, 1.02, 1.03 Zone: B-2  
525 Northfield Avenue  
Amended Site Plan approval with "D" and "C" variances

Mr. Neuer made a motion to adopt; Chairman Buechler seconded it. Vote was as follows:

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

**ZB-11-07/Metro PCS New York, LLC**

**Application approved 5/19/11**

Block: 173; Lots: 1.01; Zone: R-5

Nance Road

Seeking two (2) "D" variances for use and height to add six (6) wireless antennas to an existing tower and a "C" variance for the height of a fence

Chairman Buechler stated that the Board received a letter from Public Service confirming that they could utilize the site.

Chairman Buechler noted some changes to the resolution and asked the Board attorney, Ms. Beirne, to re-submit the resolution after the changes have been made.

Vice Chairman Neuer made a motion to adopt per changes; Mr. Quentzel seconded it. Vote was as follows:

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

**ZB-11-08/Nordan Realty Corp.**

**Application approved 5/26/11**

Block: 167.01; Lots: 36,37,38,41,43,45,46 Zone: R-3AH

Block: 167.02; Lots: 1,2,3,4,5,6; Zone: R-3AH

Block: 167.03; Lot: 2; Zone: R-3AH

Northfield Village

Seeking "C" variances for stories and "D" variances for height

Chairman Buechler noted changes, to Ms. Beirne, that were to be made to this resolution and re-submitted.

Chairman Buechler made a motion to adopt per changes; Mr. Neuer seconded it. Vote was as follows:

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

**APPLICATIONS**

**1. ZB-11-01/Patin**

**Carried over from 5/19/11**

**(Application Carried from 4/21/11)**

Block: 165.02 Lot: 5 Zone: R-4

6 Dogwood Road

Seeking "C" variance for an undersized lot to construct a single family dwelling

Chairman Buechler asked if the applicant was present or anyone involved in the Patin application was present. He noted, for the record, and addressed the general public stating that the applicant was not there. He stated that the applicant was well aware of the hearing date and what was required to be done and has not responded. Chairman Buechler recommended that they move to deny this application without prejudice. Ms. Beirne stated that the applicant also failed to re-notice.

Chairman Buechler stated that they do not want to encourage any applicant to do this because they could have moved another applicant forward.

Director Borg stated that the community has been coming every month to this applicants hearing and it's not fair to them either.

Mr. Neuer stated that it is appropriate to dismiss because there is nothing on record from the applicant.

Mr. Grossman stated that, had the applicants appeared, he was prepared to make a jurisdictional challenge.

Mr. Neuer seconded the motion to deny without prejudice; Vote was as follows:

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

**2. ZB-11-05/Carp, Gerald & Ellen  
(Application Carried from 4/21/11)**

**Carried over from 5/19/11**

Block: 82.02; Lot: 13.05; Zone: R-1

63 Ridge Road

Seeking "C" variances for the height of an existing fence and the setbacks of an existing tennis court

**DISCUSSION:**

Charles Lorber, attorney for the applicant, approached the podium. He stated that they are requesting that the application be carried over to the September 22, 2011 meeting. The reason for the request is because they have to apply for an impervious variance and more work is needed.

Mr. Lorber also asked the Board how they should amend the application; do they need to re-notice and apply for the impervious variance or is a catch-all sufficient.

Chairman Buechler stated that at the last meeting the applicant testified that the fence was down and that they were not using the tennis court. He asked if this was still the case and Mr. Lorber replied yes.

Chairman Buechler stated that if they are requesting another variance they will have to re-notice by 9/2/11 in order to be heard at the 9/22/11 meeting.

Director Borg stated that the Municipal Judge is not happy with the adjournments because this has been going on for a long time. Chairman Buechler stated that is their issue and not this Boards issue.

Chairman Buechler agreed to carry the application over to the September 22<sup>nd</sup> meeting and instructed Mr. Lorber that this is conditioned upon the applicant not using the tennis court until the Board issues a decision.

Mr. Lorber stated that at the last meeting the Board requested the transcripts from the court regarding the dismissal. He said he will send the Board the pages from the transcripts where it notes the dismissal.

**3. ZB-11-06/Daughters of Israel**

Block: 171; Lot: 12; Zone: R-2

1155 Pleasant Valley Way

Seeking to replace the sign at the foot of the driveway

**EXHIBITS:**

A1 – sign detail (2 pages)

**DISCUSSION:**

Seth A. Kreiner, Esq., attorney for the applicant, approached the podium and stated that his client is seeking to replace the existing sign at the foot of their driveway. He explained that they would like the sign to be larger for safety reasons and this will not impact the safety of the neighborhood. He then went on to introduce who will be testifying.

Chairman Buechler asked Mr. Kreiner if he saw a copy of Director Borg's report, regarding the sign and he replied that he was not given a copy. Director Borg stated that Susan Grosser received this report because Mr. Kreiner came on late as their attorney.

Chairman Buechler stated that, according to the site plan, the sign is in the right-of-way and it's clear that the sign is extremely large.

Mr. Kreiner asked the Board how to continue and Chairman Buechler stated that, clearly, the issue is the increased size of the sign and they need to address how that will impact vision. He asked if that was an issue they are prepared to discuss. Mr. Kreiner asked the Board if he could discuss this with his client, off the record.

Mr. Kreiner returned and approached the podium stating that they would like to proceed. He said that they were prepared to discuss what was in the memo from Director Borg and that their sign person would explain what they wanted to do.

Susan Grosser approached the podium and was sworn in. She stated she read the report and she would address the size of the sign and all the items in the pictures that were in the report.

Chairman Buechler addressed the photo of the dumpster and asked Ms. Grosser if it has been removed. She replied it would be removed as soon as tomorrow.

Ms. Grosser addressed the photo showing a pile of bricks on the property. She stated that they were still there and will be removed from the site to another location. She stated that she had no idea what debris that was in the photo but whatever debris there is will also be removed.

Ms. Grosser addressed the photo showing the dumpster near the kitchen and explained that it has never been enclosed and, logistically, cannot be enclosed. She stated it cannot be removed because it is a recyclable dumpster and not a trash compactor. If it was enclosed, she stated, the trash hauler would not be able to empty it. Mr. Neuer asked what goes in the dumpster in question and Ms. Grosser replied aluminum cans. Mr. Quentzel recommended that they ask the hauling company for a cover for it.

Ms. Grosser addressed the photo of the trailer with scattered debris around it and stated that the debris will be removed. She questioned why the trailer was even in question and Director Borg stated that it must be removed when construction is completed. Chairman Buechler asked if there was any more construction going on and Ms. Grosser replied no. She said she will have it removed by next week. Mr. Quentzel stated that it appears they still have the construction sign up and to also remove that.

Mr. Neuer addressed the photo showing pot holes in the driveway and Ms. Grosser stated that they were new pot holes from this winter. She stated that they will take care of them this week. Ms. Grosser also addressed the condition of the island and stated that it will also be taken care of. She stated everything will be completed within the next week or two.

Chairman Buechler asked Ms. Grosser why they need a sign of this size. She stated that the present sign is minuscule and that their visitors are elderly and many people drive right by the facility. She also stated that some also mistake it for Kessler and they try to make a u-turn in their driveway. She continued by saying that they contracted the sign company, who made the Kessler sign, so they could make the sign more visible and not mistake the two signs.

Chairman Buechler asked why not make it the size of Kessler's. Ms. Grosser replied that it can be scaled down if need be. Chairman Buechler stated that the real question is the size they are requesting and do they really need a sign that big. Ms. Grosser stated that Kessler's sign is built up slightly because of the ground and the size is all about visibility on Pleasant Valley Way; people not bypassing the facility or confusing both facilities.

Director Borg stated that she understands the fact they want their sign to be different from the Kessler sign but the design is similar.

Chairman Buechler asked if there were any questions from the Board for Ms. Grosser. Ms. Weiss asked if the reason for the size is because of the addition of words on the bottom. Ms. Grosser said yes and having the number on top of the sign is important along with the donor's names on the sign.

Director Borg stated that she would suggest making the names of the donor's smaller. Ms. Grosser stated that they will resize the donor's names if approved.

Ms. Weiss asked if one donor name is larger than the other because of donation amounts and Ms. Grosser replied yes.

No member of the public had any questions for Ms. Grosser.

Mr. Kreiner stated that if the application was approved contingent on making the sign the same as Kessler, they would agree. Chairman Buechler advised them to listen to their sign person and re-submit new plans and drawings for Board approval.

Chairman Buechler stated that they also need County Board approval because they are on a County Road. Mr. Neuer stated that they will also need to address the sign being in the right-of-way. Chairman Buechler stated that as soon as there is Board approval, one of the conditions will be to get County approval.

Mr. Anthony J. Barbieri approached the podium and was sworn in. He stated that he was the owner of an architectural sign company and supplies signs to some of the largest companies in New York. Chairman Buechler asked if he was a licensed architect and Mr. Barbieri replied no. Mr. Kreiner asked if he had ever testified before and his reply was yes. Mr. Kreiner qualified him as a sign consultant and an expert. Chairman Buechler stated so qualified and asked them to proceed.

Mr. Barbieri passed around a colored photo of a sign. Chairman Buechler asked that it be marked and entered as Exhibit A-1 as a sign detail.

Mr. Barbieri stated that the reason the Daughter of Israel's sign appears to be larger is because of the top of the sign.

Chairman Buechler stated that there seems to be a discrepancy in the size because Director Borg's memo stated one size and Mr. Barbieri's is different. Director Borg stated that the difference between Kessler's sign and Daughter of Israel's sign is 9 sq. ft. She also stated that their sign would be 10 ft. high and that Kessler's sign is 7 ft. high.

There was some discussion regarding the height and width of the sign based on Mr. Barbieri's drawing.

Chairman Buechler asked if the Daughter of Israel's sign is in the right-of-way and if the Kessler sign is set-back and Mr. Barbieri replied yes. Mr. Neuer asked how far back the Kessler sign was when it was installed. Mr. Barbieri was not sure and did not want to guess. Mr. Neuer asked if the Daughter of Israel's sign could be moved back. Mr. Barbieri stated that there would be a problem with the grading if they did.



Mr. Barbieri stated that the reason people drive by the facility is because the color of the existing sign is dark blue. He also stated that the new sign should be where the existing sign is now because the ground goes below the road at that spot.

Chairman Buechler asked if they could make the sign smaller and achieve the same visual. Mr. Barbieri stated that, realistically, they can make it 10% smaller but it would not be as effective.

Mr. Steinhart made some specific suggestions how to scale it down 15%.

Mr. Neuer stated that he accepted Mr. Barbieri's expertise but the names on the sign are not applicable to the size for the variance and that the sign can be scaled down.

There were no more questions for Mr. Barbieri.

Chairman Buechler made a motion to approve the application conditioned upon the sign being shrunk 15% and allow Mr. Barbieri to play with the lettering. Chairman Buechler recommended that they make the donor names proportionally smaller so that they could have more space for the sign.

Chairman Buechler also stated that before the resolution would be approved, they must submit fifteen (15) copies of a revised drawing which shows the entire sign a total of 15% smaller. These drawings must be submitted ten (10) days before the next Zoning Board meeting on 7/14/11.

Chairman Buechler stated the application is approved conditioned on County approval also.

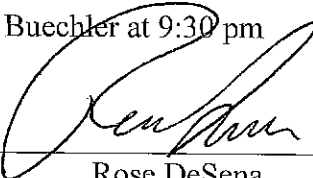
Chairman Buechler made a motion to approve the application; Vice Chairman Neuer seconded. Vote was as follows:

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

**ADJOURNMENT**

The meeting was adjourned by Chairman Buechler at 9:30 pm

June 16, 2011

  
Rose DeSena  
Zoning Board Secretary

7/14/11