

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
December 21, 2017**

The West Orange Zoning Board of Adjustment held a regular meeting on December 21, 2017 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Neuer called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle and the Star Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

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

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

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

PRESENT: B. Buechler, D. Nash, P. Neuer, I. Schwarzbaum,
F. Sanders, M. Straker, M. Sussman, A. Weiss

ABSENT: D. Gabry (excused)
B. Quentzel (excused)
W. Steinhart (excused)

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

ANNOUNCEMENTS

Future Meetings: January 18, 2018 (regular meeting)
 February 15, 2018 (regular meeting)
 Mach 15, 2018 (regular meeting)

MINUTES

November 16, 2017 (regular meeting)

Chairman Neuer stated that the draft minutes from the November 16, 2017 regular meeting were circulated to all of the Board Members.

Chairman Neuer said that he submitted his comments for these minutes and asked if any Board Member had any additional comments; there were none.

Mr. Schwarzbaum made a motion to approve the minutes of the November 16, 2017 regular meeting; Mr. Sussman seconded the motion and all were in favor.

It was noted for the record that Mr. Sanders and Dr. Straker were present but did not vote on these minutes because they were not in attendance at the November 16, 2017 meeting.

SWEARING IN

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

RESOLUTIONS

1. ZB-17-09/Perez

Approved 11/16/17

Block: 3.01; Lot: 74; Zone: R-6

38 Freeman Place

Seeking a "c" variance to construct an addition to an existing dwelling

Chairman Neuer stated that this resolution was circulated to all of the Board Members that included his comments.

Chairman Neuer asked if any Board Member had any other comments; there were none.

Mr. Sussman made a motion to adopt the resolution as submitted and Chairman Neuer seconded the motion

The vote was as follows:

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

APPLICATIONS

- 1. ZB-16-17 /New Cingular Wireless PCS, LLC (AT&T) Carried from 11/16/17**
Block: 159.08; Lot: 56; Zone: OB-1
405 Northfield Avenue
Seeking “d” and “c” variances for installing twelve (12) telecommunication antennas
on a proposed 100’ monopole

Chairman Neuer announced for the record that the official transcriber for this application is Patricia Pucciarello from Veritext.

Chairman Neuer announced for the record that Dr. Straker was not present at the April 20, 2017 and the November 16, 2017 meeting and Mr. Sanders was not present at the November 16, 2017 meeting when this application was last heard. He said that they were each provided with copies of the transcripts from those meetings and have signed an affidavit verifying that they have read them. Dr. Straker and Mr. Sanders are therefore eligible to participate in and to vote on this application.

Christopher Quinn, attorney for the applicant, approached the podium and stated that this is a continuation from the November Zoning Board meeting. He said that he has two witnesses who will be testifying at this meeting; the civil engineer will answer questions from the last meeting regarding construction details and the traffic engineer who will testify about the loss of two parking spaces on the site.

Petros Tsoukalas, the applicant’s civil engineer, approached the podium.

Chairman Neuer stated than Mr. Tsoukalas is still under oath from the last meeting.

Mr. Tsoukalas stated that the first point raised at the last meeting was regarding the construction process.

Mr. Tsoukalas said that the work will be done on Sundays when the building is closed. He said that construction of the pole will take four (4) days of work; a truck with a drill will enter the site

and drill the hole for the pole. Mr. Tsoukalas said that a concrete truck will come on the following Sunday and pour the foundation for the pole and one (1) to four(4) weeks later the pole will be installed. He said that the largest vehicle will be the flatbed truck that the pole will be delivered on which is a forty (40) foot truck. Mr. Tsoukalas said that the trucks will enter the site from the main entrance on Northfield Avenue during daytime hours on Sundays.

Mr. Tsoukalas said that revised plans were submitted and there is no change to the design; he said the site will be ADA compliant.

Chairman Neuer stated that Mr. Tsoukalas' testimony is incomplete; he said that turning plans for the trucks were not submitted and he is concerned about how close the trucks will be to the residential neighbors.

Mr. Tsoukalas stated that the truck can navigate in the main entrance and that he went with the largest truck scenario.

Chairman Neuer said that the Board asked what the size of the vehicle coming on site would be; Mr. Tsoukalas said that the largest truck that would be coming on site would be fifty three (53) feet long including the cab; he said that is per New Jersey regulations.

Chairman Neuer asked Mr. Tsoukalas what the turning radii are for the trucks; he said approximately sixty (60) feet and that he will provide them with additional information. Mr. Tsoukalas said that he is testifying that the trucks will be able to navigate the site.

Chairman Neuer stated that specific sizes of all of the trucks entering the site must be submitted before the next meeting; he said that this deals with pedestrian safety and that the information that was presented is not sufficient. Chairman Neuer said that there is no proof that these vehicle can maneuver the site.

Mr. Tsoukalas continued his testimony and stated that GEO technical investigation will determine how deep the hole will be for the pole.

Chairman Neuer stated that this is a one hundred (100) foot pole being installed and Mr. Tsoukalas is asking the Board to approve this without any facts.

Mr. Quinn stated that they can submit this information to Mr. Keller for approval.

Chairman Neuer stated that he is concerned with page five (5) of the New Jersey structure lease agreement and asked Mr. Tsoukalas what is going to happen at the end of the lease.

Mr. Tsoukalas said that AT&T will be required to remove all of the equipment; he said that the foundation will remain in the ground and approximately six (6) inches of the foundation left is above grade.

Mr. Quinn stated that this is standard in the telecommunication industry; he said that when the tower is removed the foundation will be left in place. Mr. Quinn stated that the pole is bolted in

and that no part of the pole is left in the ground.

Mr. Keller stated that he would like this process clarified from beginning to end.

Mr. Keller asked Mr. Tsoukalas how deep the foundation typically is; he said that he cannot answer that because it depends on what they discover as they drill.

Mr. Keller asked Mr. Tsoukalas if they can drill twenty (20) feet in one day; he said yes. Mr. Tsoukalas said that they can drill between twenty (20) to sixty (60) feet in one day.

Mr. Tsoukalas stated that the rebar cage will be installed next and then they come back and pour the concrete. He said that anchor bolts will be set when the concrete is poured and this is all done in one day.

Mr. Tsoukalas stated that the pole is installed on the last day; he said that all of the pieces of the pole will be stacked on one truck.

Mr. Keller referred to sheet Z-6 of the site plans and asked Mr. Tsoukalas if there is a smaller steel tube inside of the pole to secure the antennas; he said yes.

Mr. Keller stated that there is no detail for the steel pole at the base; Mr. Tsoukalas said that it has not been designed yet. He said that the pole near the Marriot is four (4) feet at the base but this one has to be a little bigger.

Mr. Keller stated that he feels that they will need multiple trucks to bring the pole in and that he wants them to provide turning templates. He also said that there are restrictions in the Township Ordinance on how early and how late you can work on a Sunday.

Mr. Grossman asked Mr. Tsoukalas if the six (6) inches of the foundation left above grade would be a tripping hazard; he said he did not know.

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

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

Kevin Malanga approached the podium and stated that he lives on Ridge Road. He asked Mr. Tsoukalas what the diameter of the caisson that is being built; he said seven (7) foot.

Mr. Malanga asked Mr. Tsoukalas if this will be drilled by a mechanical auger; he said yes.

Mr. Malanga asked Mr. Tsoukalas what they do if they hit bedrock; he said that you can drill into the rock and use rock anchors.

Mr. Malanga asked Mr. Tsoukalas if they will blast into the rock; he said no.

Mr. Malanga asked Mr. Tsoukalas if they hit rock will it take more days to finish; he said no.

Mr. Malanga asked Mr. Tsoukalas if they are proposing to remove the spoils from the excavation with dump trucks; he said he was not sure.

Mr. Malanga asked Mr. Tsoukalas what material the pole is made of; he said steel.

Mr. Malanga asked Mr. Tsoukalas who will maintain the steel if there is corrosion or oxidation; he said the owner of the pole which is AT&T.

Mr. Malanga asked Mr. Tsoukalas if the pole is designed to withstand eighty (80) mph winds; he said that the pole is designed to withstand up to one hundred and fifteen (115) mph winds.

Mr. Malanga asked Mr. Tsoukalas who will review the wind resistance rating of the design of the pole; he said that the pole manufacturer designs the pole and a structural engineer will do an analysis to determine if the pole is code.

Chairman Neuer advised Mr. Quinn that if soil is going to be removed from the site that they may need a soil movement permit dependent on how much soil is being removed.

Mike Tormey approached the podium and stated that he lives 81 Ridgeway Avenue. He asked Mr. Tsoukalas how loud the construction work will be; he said he does not know.

Mr. Tormey asked Mr. Tsoukalas how late they can work while doing the ground work; he said he does not know.

Mr. Tormey asked Mr. Tsoukalas if he anticipates a traffic disruption on Northfield Avenue when the trucks are entering the site; he said no.

Loren Svetvilas approached the podium and stated that he lives on Prospect Avenue. He asked Mr. Tsoukalas how they going to protect the property if the trucks are entering the site from West View Road; he said that the trucks will not be entering the site from West View Road.

Mr. Quinn stated that there are a few items in the Bowman Consulting letter prepared by Mr. Keller dated 12/16/17 that Mr. Tsoukalas would like to address.

Mr. Tsoukalas addressed the following items in this memo:

- Item #8 – they are changing the number of arborvitae from fourteen (14) back to thirteen (13). Mr. Keller stated that he prefers that they keep it to fourteen (14); Mr. Tsoukalas said that they will keep it to fourteen (14).
- Item #9 – fence over the fifteen (15) inch pipe will be moved out a foot.
- Item #12 – everything will be below the six (6) foot fence except the pole.
-

There were no further questions for this witness.

Mr. Quinn presented his next witness.

Philip Grealy, traffic engineer for the applicant, approached the podium and was sworn under oath. He detailed his professional and educational background as a licensed traffic engineer in the State of New Jersey.

Chairman Neuer accepted Mr. Grealy as an expert in traffic engineering.

Mr. Grealy stated that he prepared the parking analysis dated 12/5/17 that was signed by his associate, Mr. Fiore. He said that he was at the site but he did not perform the counts and was not out there when the counts were taken but participated in the methodology.

Chairman Neuer asked Mr. Grealy what the methodology was; he said that one person drives around the parking lot for fifteen (15) minutes and observes the parking spaces that are occupied throughout the day on several days.

Mr. Grealy detailed all of the peak days and hours and also detailed what he observed on the days that he was there on the site.

Chairman Neuer asked Mr. Grealy what the minimum number of parking spaces for this site is under the Township ordinance; he said one (1) for two hundred and fifty (250) sq. feet for a general office and one (1) for two hundred (200) sq. ft. for a medical office.

Chairman Neuer stated that the report refers to the site as a medical office building but the counts in the report were for less parking spaces and were based on a general office building and not a medical office building; he said that this site would require one (1) space for every two hundred (200) sq. feet and not two hundred and fifty (250) sq. feet. Chairman Neuer stated that the report is inaccurate.

Chairman Neuer also stated that he inspected the site today (on a Thursday) and there were fourteen (14) vacant spaces.

Chairman Neuer asked Mr. Grealy if he agrees that Saturday is not an appropriate day to do surveys; he said yes.

Chairman Neuer asked Mr. Grealy if because doctors do not work on Wednesdays that it is a difficult day to do a survey; he said yes.

Mr. Keller asked Mr. Grealy if tenants provided him with the days and hours of their operations; he said not but they did request that information.

Mr. Keller asked Mr. Grealy if all the offices are occupied by doctors or someone in the medical profession or are there still some general offices; he said he does not know.

Mr. Keller asked Mr. Grealy if someone went through the building to see if every office was either occupied or operating; he said he did not know.

There were no further questions for Mr. Grealy from the Board Members or the Board

Professionals.

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

Kevin Malanga approached the podium and stated he lives on Ridge Road. He asked Mr. Grealy if any members of his firm knocked on any doors or spoke to any of the tenants in the building; he said he did not know.

There were no further questions for Mr. Grealy.

Mr. Quinn requested to be carried over to the March 15, 2017 regular meeting and Chairman Neuer granted the request and stated for the record that no further notice will be necessary.

Chairman Neuer called for a recess at 9:30 pm.

Chairman Neuer resumed the meeting at 9:40 pm.

2. ZB-17-08/470 Eagle Rock Holdings, LLC

Carried from 11/16/17

Block: 153; Lot: 38; Zone: B-2

470 Eagle Rock Avenue

seeking a "d" use variance to permit a motor vehicle service station in a B-2 zone with bulk variances.

EXHIBITS

A-1 – Aerial view of the site dated 12/21/17.

A-2 – Reginal aerial view of the site dated 12/21/17.

A-3 - Sheet C-3 of the colorized site plan dated 11/2/17.

Chairman Neuer stated that there is not a court reporter for this application and that the digital tape recording system that is being utilized to record the proceedings of the meeting will serve as the official transcript for this application.

Frank Regan, attorney for the applicant, approached the podium.

Mr. Sussman stated for the record that he has done work for one of the share-holders in the ownership entity. He asked Mr. Regan if that would be a conflict and should he recuse himself from hearing the application; Mr. Regan said that he feels that would not be a conflict and he does not have to recuse himself. Zoning Board attorney Alice Beirne, Esq. concurred.

Mr. Regan detailed the application stating that his client is seeking major site plan approval with variances to construct a Mavis Tire store in a B-2 zone; he said that the contract purchaser of the property is the applicant.

Mr. Regan presented his first witness.

Zachary Chaplin approached the podium and was sworn under oath. Mr. Chaplin detailed his educational and professional background as a civil engineer licensed in the State of New Jersey.

Chairman Neuer accepted Mr. Chaplin as an expert in engineering.

Mr. Chaplin stated that he was involved in composing the plans but did not sign them. He presented an aerial view of the site, dated 12/21/17, that was marked as Exhibit A-1 for identification. Mr. Chaplin referred to Exhibit A-1 and detailed the site.

Mr. Chaplin presented a regional aerial view of the site, dated 12/21/17, that was marked as Exhibit A-2 for identification. He referred to Exhibit A-2 and detailed the surrounding area. Mr. Chaplin stated that this is a transitional lot and the site is located at the edge of a commercial zone. He said that the current Mavis tire store is located in the Kmart shopping plaza and it will be re-located to this site.

Mr. Chaplin presented a colorized version of the site plan, dated 11/2/17, that was marked as Exhibit A-3 for identification. He referred to Exhibit A-3 and detailed it stating that the proposed landscaping is also on this exhibit. Mr. Chaplin said that they are proposing twenty seven (27) parking spaces and that the main entrance and most of the parking will be to the east of the site. He said that the parking areas will be used for passenger cars parking and that no repair work will be conducted in the parking lot.

Mr. Chaplin said that he met with the Essex County Planner and Mr. Keller at the site and it was determined that the westerly driveway will be full ingress with a right turn out only and the easterly driveway will be full movement.

Mr. Chaplin stated at the Site Plan Advisory meeting it was determined that they would eliminate the driveway on Rosney Terrace; they would re-locate the trash enclosure; they would expand the buffer in the rear and expand the buffer by twenty (20) feet in the front and preserve as many trees on the site.

Mr. Chaplin detailed the signage and stated that they will be providing a substantial buffer to the residences in the rear of the site.

Mr. Chaplin detailed the lighting, the hours of operation and how the deliveries would be made; he said that all deliveries will be made during business hours.

Mr. Regan stated for the record that a truck circulation plan was submitted to the Board and that the applicant will also comply with the Township Forester's recommendations provided to them in a memo dated 12/14/17.

Vice Chairman Buechler asked Mr. Chaplin if parts are delivered on a daily basis; he said not as frequent as tire deliveries.

Vice Chairman Buechler asked Mr. Chaplin what size is the truck that delivers the parts; he said a twenty six (26) ft. box truck.

Vice Chairman Buechler asked Mr. Chaplin when and where the garbage pickup is; he said that the trash enclosure is located at the southwest part of the property and that someone from Mavis Tire can answer what hours the trash is picked up.

Vice Chairman Buechler asked Mr. Chaplin if the old tires are stored inside the trash enclosure; he said no. He said that the old tires are stored inside of the building.

Vice Chairman Buechler asked Mr. Chaplin if they responded to the Township Fire Official's memo dated 8/10/17; he said not yet but they are prepared to. Mr. Chaplin stated that most of the questions in the memo will be answered by their architect except for the truck turning template. He said that he has the template with him and will provide Mr. Keller with it for approval.

Mr. Keller stated that he would like to have time to review the truck turning template but Mr. Chaplin can introduce it at this meeting.

Chairman Neuer said before Mr. Chaplin introduces the truck turning template, he advised him to submit it to Mr. Keller so that he has ample time to review it and advise the Board.

Vice Chairman Buechler asked Mr. Chaplin what the size of the monument sign is; he said ten (10) feet wide and approximately eight (8) feet high.

Vice Chairman Buechler asked Mr. Chaplin if the sign will be lit at night; he said that they will comply with the Township Ordinance.

Vice Chairman Buechler asked Mr. Regan who will address the noise issue from the facility; he said that they will comply with the Township's noise ordinance. Mr. Regan said that they did not do a noise study but they will have someone testify at the next meeting regarding this if need be.

Chairman Neuer stated that this Board is concerned about the noise having an impact on the neighbors; he said that when the bay doors are open while working on the cars the sound will travel.

Vice Chairman Buechler asked Mr. Chaplin if any hazardous materials will be used on site; he said not that he is aware of.

Mr. Regan stated that there is a representative from Mavis at the meeting and he feels it would be more appropriate if he answers any questions regarding hazardous materials or substances used on site.

Vice Chairman Buechler asked Mr. Chaplin if any auto body work is done on site; he said he does not think so but the representative from Mavis can answer that question.

Ms. Weiss asked Mr. Chaplin if this application is denied will Mavis Tire store stay at their

current location; he said the representative from Mavis can answer that question.

Chairman Neuer asked Mr. Chaplin what the calculated time is for the construction; he said that depends on when they break ground. Mr. Chaplin said approximately six (6) months.

Mr. Sanders asked Mr. Chaplin if there are any environmental issues with the site; he said he does not know.

Mr. Regan stated that he will get the answer to that.

Chairman Neuer stated that if an environmental impact study was done for the site that it should be submitted to the Board Secretary.

Ms. Weiss said that in the Planners report that was submitted to the Board it stated that the current business on the site is closed. She stated for the record that the business is not closed; it is open.

Mr. Schwarzbaum asked Mr. Chaplin if a garbage truck can maneuver in and out of the site safely; he said yes.

Vice Chairman Buechler asked Mr. Chaplin if vehicles will be store on the site; he said no.

Vice Chairman Buechler asked Mr. Chaplin if someone can drop their car there overnight for service; he said the representative from Mavis will answer that.

Mr. Keller referred to the truck circulation plan dated 11/2/17 and said that it shows a forty (40) foot truck backing into the site. He asked Mr. Chaplin to submit a plan that shows the truck pulling into and backing out of the site.

Mr. Keller referred to his second review letter dated 11/13/17 and asked Mr. Chapman if all of the items will be addressed; he said yes.

Mr. Keller referred to item #9 and asked if they would consider a block enclosure for the dumpster instead of a fence; he said yes.

Mr. Keller referred to item #11 and recommended that they consider modifying their plans in order to keep the mature trees on the site.

Chairman Neuer stated that the landscape plan must be revised to indicate what trees are being removed and what trees are staying.

Mr. Keller referred to item #14 and asked Mr. Chapman to look at reducing the light levels and the height of the light poles near the residential area; he said they will look at it and that there will not be any spillage in the residential area.

Mr. Keller referred to item #15 and asked Mr. Chapman if the lights will be turned off when the

store is closed; he said that the Mavis representative can answer that but they will comply with the Township Ordinance.

Mr. Keller referred to item #18 regarding the illumination of the sign; Mr. Chapman said that they will comply with the Township Ordinance.

Mr. Keller referred to item #1 in his review letter dated 12/16/17 and stated that if there is a sanitary sewer easement he needs to see the documentation.

Mr. Keller referred to item #3 and asked Mr. Chapman if they will be tying into the existing sewer pipe on Eagle Rock Avenue; he said yes.

There were no further questions for Mr. Chapman from any of the Board Members or the Board Professionals.

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

Kevin Malanga approached the podium and stated that he lives on Ridge Road. He referred to the site plan and asked Mr. Chapman what changes could be made to preserve the two mature trees that are proposed to be removed; he said that they will lose two (2) parking spaces if they do not remove the tree's he is referring to and it would trigger another variance but they will look into it.

Mr. Malanga asked Mr. Chapman what the size of some of the trees marked for removal were on the plans; he said he did not know and was not sure why their sizes were not marked on the plans but they will revise the plans.

Mr. Malanga asked Mr. Chapman how many trees are on the site now and how many of those trees are marked to be removed; he said there are thirty two (32) trees on the site now and they are proposing to remove sixteen (16).

John Larney approached the podium and stated that he lives at 478 Eagle Rock Avenue. He asked Mr. Chapman why they are proposing to place the sign directly on the corner of the residential area; he said that they are keeping the tree at that corner and moving the sign over more. Mr. Chapman said that he will discuss with the applicant about relocating the sign to the easterly driveway.

Chairman Neuer stated that the Board is concerned about the effect that the sign will have on the neighbors and asked Mr. Chapman to try to improve that.

Mr. Schwarzbach asked Mr. Chapman if they need to have the monument sign; he said that the applicant prefers to have the monument sign.

Ismail Hussein approached the podium and stated that he lives at 6 Rosney Terrace. He asked why he was not informed about this by mail.

Chairman Neuer stated that he should have been noticed by certified mail; he said he was not.

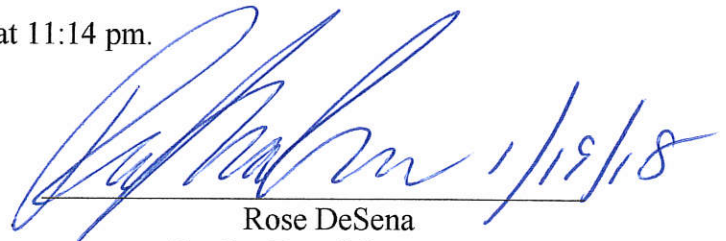
The Board Secretary, after checking copies of the certified letter receipts in the applicants file, stated that Mr. Hussein was noticed by certified mail.

Mr. Regan produced a signed copy of the certified letter receipt that was delivered to that address.

Chairman Neuer noted the time and stated that this application will be carried over to the January 18, 2018 meeting and that no further notice is required.

The meeting was adjourned by Chairman Neuer at 11:14 pm.

Adopted: January 18, 2018



Rose DeSena
Zoning Board Secretary