

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
May 16, 2019**

The West Orange Zoning Board of Adjustment held a regular meeting on May 16, 2019 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 J 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.

PRESENT: J. Eben, D. Gabry, P. Neuer, L. Phillips, B. Quentzel, J. Redwine,
I. Schwarzbaum, W. Steinhart, M. Straker, M. Sussman

ABSENT: A. Weiss (excused)

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

ANNOUNCEMENTS

Future Meetings: June 20, 2019 (regular meeting)
July 18, 2019 (regular meeting)
August 15, 2019 (regular meeting)

Chairman Neuer announced that application **ZB-18-02/Rosario**, that was scheduled to be heard at this meeting, has requested to be carried over and adjourned to the Zoning Board meeting scheduled for June 20, 2019 at 8:00 pm and no further notice will be required.

MINUTES

April 11, 2019 (regular meeting)

Chairman Neuer stated that the draft minutes from the April 11, 2019 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.

Chairman Neuer made a motion to approve the minutes of the April 11, 2019 regular meeting; Mr. Schwarzbaum seconded the motion.

The vote was as follows:

Eben:	No	Steinhart:	Yes
Gabry:	Yes	Straker:	-
Phillips	-	Sussman:	-
Quentzel:	Yes	Weiss:	-
Redwine:	Yes	Chairman Neuer:	Yes
Schwarzbaum:	Yes		

SWEARING IN

Paul Grygiel, Consulting Planning Director for the Township and John Hess, Consulting Engineer for the Township, were sworn under oath.

RESOLUTIONS

- 1. ZB-18-06/CLPF – Essex Green, LLC c/o Clarion Partners** **Adopted 4/11/1**
Block: 155.21; Lot: 40; Zone: P-C
495 Prospect Avenue
Seeking “d” and “c” variances for the expansion and renovation of an existing Shopping center.

Chairman Neuer stated that this resolution was circulated to all of the Board Members and that this version included comments from himself.

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

Ms. Beirne stated that the attorney for the applicant submitted some revisions and noted what the revisions were on record.

Chairman Neuer made a motion to adopt the revised resolution and Ms. Gabry seconded the motion.

The vote was as follows:

Eben:	-	Steinhart:	Yes
Gabry:	Yes	Straker:	-
Phillips	-	Sussman:	-
Quentzel:	-	Weiss:	-
Redwine:	-	Chairman Neuer:	Yes
Schwarzbaum:	Yes		

APPLICATIONS:

1. **ZB-18-09/555 Northfield Avenue, LLC** **Carried from 4/11/19**
Block: 168; Lots: 26 & 28; Zone: B-2
555 Northfield Avenue
Seeking “d” variance for building height and “c” variances to construct a luxury apartment complex and daycare center.

EXHIBITS

- A-1 - Sheet 2 of the site plans with a revision date of 2/15/19
- A-2 – Colorized version of sheet 4 of the site plan with a revision date of 2/15/19
- A-3 – Map of building heights dated 1/21/19
- A-4 – Fire truck turning analysis dated 2/15/19
- A-5 – Garbage truck turning analysis dated 2/15/19
- A-8 – Sheet A-4 of the Primrose School exterior elevations dated 11/15/18
- A-9 – Sheet A-1.4 of the Primrose School floor plans dated 11/15/18

Robert Williams, attorney for the applicant, approached the podium and detailed the application.

Mr. Williams stated that the applicant is proposing to build a day care center on the site with a seventy (70) unit luxury apartment building. He said they will replace the existing run down hotel and restaurant.

Mr. Williams called his first witness.

Michael Lanzafama approached the podium and was sworn under oath. He detailed his educational and professional background as a professional land surveyor and engineer.

Chairman Neuer accepted Mr. Lanzafama as an expert in land surveying and engineering.

Mr. Lanzafama presented sheet #2 of the site plans with a revision date of 2/15/19 that was marked as Exhibit A-1 for identification.

Mr. Lanzafama referred to Exhibit A-1 and detailed the existing site and the surrounding area.

Mr. Lanzafama presented a map of the building heights, dated 1/21/19, that was marked as Exhibit A-3 for identification and detailed the heights of all of the surrounding buildings and the proposed day care building and apartment building.

Mr. Lanzafama presented the colorized version of sheet 4 of the site plan, with a revision date of 2/15/19, which was marked as Exhibit A-2 for identification; the witness then detailed this exhibit.

Mr. Lanzafama stated that they are proposing to demolish the two existing structures on the site and construct a five (5) story mixed use building with seventy (70) residential units; he said that eleven (11) of those units will qualify as affordable housing.

Mr. Lanzafama stated the following:

- They are proposing one hundred and fifty four (154) parking spaces and six (6) handicap spaces
- There will be an electric car charging station on the site
- The child care will be for ages 0 to 4 years old
- They are proposing a parking garage
- The driveway on St. Cloud Avenue will have no left turn between eight (8) and nine (9) am

Mr. Lanzafama detailed the following:

- Parking requirements
- Placement of the driveways
- The storm water drains
- The placement of all of the signage
- Variances requesting
- Fencing and walls being proposed
- Placement of the playground equipment in the front yard

Mr. Lanzafama stated that the site will be enhanced and improved.

Mr. Lanzafama presented the fire truck turning analysis dated 2/15/19 that was marked as Exhibit A-4 for identification and detailed it.

Mr. Lanzafama presented the garbage truck turning analysis dated 2/15/19 that was marked as Exhibit A-5 for identification; the witness then detailed this exhibit.

Mr. Lanzafama then reviewed the Memorandum from Consulting Engineer John Hess dated April 1, 2019; he referred to item #28 and stated that the applicant is requesting a waiver from submitting an Environmental Impact Statement. Mr. Lanzafama also referred to item #31 and said they are requesting a waiver from extending the contours at least 200' beyond subject property.

Chairman Neuer referred to item #31 and stated that the waiver is granted.

Chairman Neuer referred to item #28 and stated that this waiver is also granted provided that the applicant must file a solid waste management plan before the next hearing.

Chairman Neuer referred to item #52 and asked Mr. Grygiel if the applicant is in compliance with the COAH requirements; he replied yes.

Mr. Lanzafama referred to item #1 and stated that the mail is to be delivered in the lobby area.

Mr. Lanzafama stated that the applicant will comply with item #2.

Mr. Lanzafama referred to item #3 and stated that the applicant has no idea who the tenants will be so this is an open question.

Mr. Lanzafama stated that the architect is better equipped to answer items #4 and #5 regarding refuse. He said that the refuse area for the daycare will be located outside and the refuse for the apartment building will be handled from inside the building.

Mr. Lanzafama referred to item #6 regarding no parking being allocated for the daycare facility. He stated that, under the law, parking spaces are not required for a daycare but they will provide parking on the site for it.

Mr. Lanzafama stated that they will comply with items #7 through #11.

Mr. Lanzafama stated that the landscape architect will provide testimony for item #12.

Mr. Lanzafama stated that they will comply with item #13.

Mr. Lanzafama stated that the landscape architect will provide testimony for item #14.

Mr. Lanzafama stated that they will comply with items #15 through #19.

Mr. Lanzafama referred to item #20 and stated that no one knows who owns the storm water pipe; Chairman Neuer stated that the applicant will be responsible for it.

Mr. Eben asked Mr. Lanzafama if they will check the storm water pipe; he said yes they will run a camera through it.

Mr. Lanzafama stated they will comply with items #21 and #22.

Mr. Lanzafama referred to item #23 and stated that they will work it out with Mr. Hess.

Mr. Lanzafama referred to item #24 and stated that they will provide a maintenance manual for the storm water management measures.

Chairman Neuer asked Mr. Lanzafama to explain why they are proposing a driveway onto St. Cloud Avenue; the witness said it is a secondary means of access into the property in case of emergency.

Mr. Williams stated for the record that the applicant will agree to utilize that driveway for emergency access only as a condition of approval.

Chairman Neuer advised Mr. Williams to figure out how that driveway can be limited for the use of emergency vehicles only.

Ms. Phillips asked Mr. Lanzafama if the applicant would consider putting a turn lane going east on Northfield Avenue because of the traffic issues; he said that he will defer that question to the traffic expert but he does not see how one will fit.

Chairman Neuer asked Mr. Lanzafama to reach out to the County before the next meeting regarding Ms. Phillip's question.

Mr. Steinhart asked Mr. Williams why they are proposing a day care facility if the apartments are being geared towards empty nesters; he said they are also expecting young professionals to rent because the bus going to New York City is right across the street. Mr. Williams said if they have small children they will have the convenience of a day care facility being right on the site

Mr. Schwarzbaum asked Mr. Lanzafama why are they proposing to build vertical at sixty two and a half (62.5) feet; he said that the site requires a “new look” and not an old looking structure.

Mr. Schwarzbaum referred to Exhibit A-4 and asked Mr. Lanzafama how a fire truck would get to the back of the building; he said that they would not have to get to the back. Mr. Lanzafama said the building is fully sprinklered.

Mr. Redwine asked Mr. Lanzafama where on the site is the flood area; he referred to Exhibit A-1 and delineated where the water floods on the site.

Mr. Redwine asked Mr. Lanzafama what qualifies as an affordable apartment; he said it is based on income limits.

Mr. Quentzel asked Mr. Lanzafama if they could use brick pavers to increase the impervious coverage; he said yes.

Mr. Eben stated that he would suggest, as an architect, that the day care center building face Northfield Avenue and the playground be located in the rear. He said that he will also discuss with the architect a couple of more changes that he suggests.

Mr. Eben stated that the fire hydrant locations should be placed on the plans.

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

Chairman Neuer called for a recess at 9:44 pm.

Chairman Neuer resumed the meeting at 9:56 pm.

Chairman Neuer asked if any members of a public had any questions for Mr. Lanzafama.

Harvey Grossman, public advocate, approached the podium.

Mr. Grossman asked Mr. Lanzafama if any excavation is being proposed; he said yes.

Mr. Grossman asked Mr. Lanzafama if they provided underground parking could they reduce the number of stories on the apartment building; he replied no.

Sonia Cohenson approached the podium and stated that she lives at 322 St. Cloud Avenue.

Ms. Cohenson asked Mr. Lanzafama what kind of traffic study was done; he said the traffic expert will testify to that.

Ms. Cohenson asked Mr. Lanzafama why they are proposing a five (5) story building if only two and a half (2.5) are allowed; he said that is why the Zoning Board exists.

Ms. Cohenson asked Mr. Lanzafama if this is an urban area; he said yes.

Charlotte Westcott approached the podium and stated that she lives at 346 St. Cloud Avenue.

Ms. Westcott stated that she is concerned about pedestrian traffic and asked Mr. Lanzafama how someone would safely park a car and walk a child to the day care facility; he referred to Exhibit A-2 and noted the parking spaces that are in close proximity to the day care and delineated the walkways that lead to the front of the building.

Ms. Westcott asked Mr. Lanzafama if they would consider reserving parking spaces at certain times of the day for dropping off the children; he said that the owner can answer that question.

Ms. Westcott asked Mr. Lanzafama how a pedestrian can safely cross Northfield Avenue to get to the bus stop; he said the County is proposing to install a new cross walk at the intersection.

Loren Svetvilas approached the podium and stated that he lives on Prospect Avenue.

Mr. Svetvilas asked Mr. Lanzafama if the field at Stagg Park will be affected by the five (5) story apartment building; he said that they did a shadow study and someone will be testifying to that.

Mr. Svetvilas asked Mr. Lanzafama if there will be a drop off lane for the parents to drop off the children; he said there are parking spots in front of the building for the parents to drop off the children. Mr. Lanzafama said the parent has to get out of their cars and bring the child into the building; they cannot just drop off a child.

Robert Rashkes approached the podium and stated that he lives at 35 Oak Crest Road.

Mr. Rashkes asked Mr. Lanzafama if there has been any consideration regarding school buses coming into the site to pick up the children; he said no.

Mr. Rashkes asked Mr. Lanzafama if they did a study regarding fumes from an automobile going into the playground; he said no.

Mr. Grossman approached the podium and asked Mr. Lanzafama if the plans have been reviewed by the Fire Department and approved; he said yes.

There were no further questions for Mr. Lanzafama.

Mr. Williams called his next witness.

Mark Pavey approached the podium and was sworn under oath. Mr. Pavey detailed his educational and professional background as a professional architect licensed in the State of New Jersey. Mr. Pavey noted for the record that he has developed several child care schools in the State of New Jersey.

Chairman Neuer accepted Mr. Pavey as an expert in the field of architecture.

Mr. Pavey presented sheet A-4 of the exterior elevations of the Primrose School dated 11/15/18 that was marked as Exhibit A-8 for identification.

Mr. Pavey referred to Exhibit A-8 and stated that they are proposing a two-story building and detailed all of the exterior elevations and building materials.

Mr. Pavey stated that, in his opinion, the Primrose School is the leader of child care. He said that the children will be from newborn to four (4) years old.

Mr. Pavey presented sheet A-1.4 of the floor plans dated 11/15/18 that was marked as Exhibit A-9 for identification.

Mr. Pavey referred to Exhibit A-9 and detailed the layout of the interior space along with the play areas outside on the site.

Mr. Pavey stated that the food is pre-cooked and brought in and served family style.

Mr. Eben recommended to Mr. Pavey to have the front of the building facing Northfield Avenue and the playground in the rear of the building; Mr. Pavey said that they will explore the recommendation of turning the building around.

Mr. Eben asked Mr. Pavey what the width of the corridor is; he said six (6) feet.

Mr. Eben stated that because it is a warming kitchen it does not require a hood; Mr. Pavey said correct.

Mr. Eben asked Mr. Pavey if there will be any HVAC units on the roof; he said no.

Mr. Redwine asked Mr. Pavey if there will be a limitation to the number of children in each classroom; the witness said the classroom size requires one (1) adult for each six (6) children. Mr. Pavey said the total number of children will be one hundred and ninety four (194).

Mr. Redwine asked Mr. Pavey how many employees will there be for the children; he said twenty two (22) or twenty four (24) employees.

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

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

Robert Rashkes approached the podium and stated that he lives at 35 Oak Crest Road.

Mr. Rashkes asked Mr. Pavey if they are installing an excess flow valve on the gas line in the child care building; he said they will if one is required.

Mr. Rashkes asked Mr. Pavey if they are proposing to install a back-up generator; he said no.

Mr. Rashkes asked Mr. Pavey if they will provide provisions for the children if they have to stay at the facility overnight due to weather conditions; he said that is an operational question.

Soma Sinha approached the podium and stated that she lives at Sichel Court.

Ms. Sinha asked Mr. Pavey if there has been any studies done on the safety of children going up and down stairs; he said yes. Mr. Pavey stated that the building code requires children thirty (30) months of age and younger to be located on the ground floor. He said children over thirty (30) months in age can walk the stairs.

Ms. Sinha asked Mr. Pavey if they will consider making the building one story; he said no.

Board Member Phillips asked Mr. Pavey if there is an elevator in the child care building; he said yes.

Board Member Phillips asked Mr. Pavey to state the capacity of the elevator; he said approximately ten (10) to twelve (12) children and a teacher.

Charlotte Wescott approached the podium and stated that she lives 346 St. Cloud Avenue.

Ms. Wescott asked if the children from the Primrose School will be utilizing Stagg Field; he said he does not know.

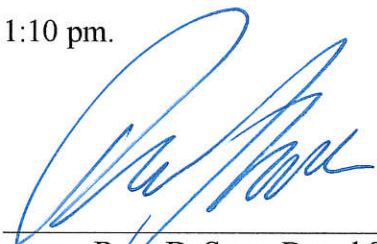
Mr. Schwarzbaum asked Mr. Pavey how many children the playground can accommodate; he said approximately sixty five (65) children at one time.

Chairman Neuer asked Mr. Williams, at the Board's request, if the architect is able to build a model; he said the architect can provide a three-dimensional demonstration but not a scale model.

Chairman Neuer noted the time and stated that this application will be carried over to the June 20th meeting and that no further notice will be required.

The meeting was adjourned by Chairman Neuer at 11:10 pm.

Adopted: June 20, 2019



6/21/19

Rose DeSena, Board Secretary