

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
July 25, 2019

The West Orange Zoning Board of Adjustment held a special meeting on July 25, 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 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, B. Quentzel, J. Redwine
I. Schwarzbaum, M. Straker, M. Sussman, A. Weiss

ABSENT: L. Phillips (excused)
W. Steinhart (excused)

ALSO PRESENT: Paul Phillips, Consulting Planner 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: August 15, 2019 (regular meeting)
September 19, 2019 (regular meeting)
October 17, 2019 (regular meeting)

Dr. Straker asked Mr. Appel what type of business will be going into the retail space; he said the owner will utilize it as a sales marketing space and then when all of the units are rented it will be leased as a small store.

Mr. Sussman asked Mr. Appel how many parking spaces are being proposed under the building; he said seventy (70) parking spaces.

Mr. Sussman asked Mr. Appel how many total parking spaces on the site; he said one hundred fifty-eight (158).

Mr. Sussman asked Mr. Appel if all of the parking is shared with the day care and residential; he said yes.

Mr. Schwarzbaum asked Mr. Appel if the den could possibly become a bedroom; he said yes.

Mr. Schwarzbaum asked Mr. Appel if they would be prohibited from using the den as a bedroom; he said no.

Mr. Schwarzbaum asked Mr. Appel if a tenant was to use the den as a bedroom could that impact the parking; he said yes, slightly.

Mr. Appel stated that the den is not intended to be used as a bedroom; he said the den does not have doors or a closet which was done purposely so that it would be difficult to use it as a bedroom.

Chairman Neuer stated that as a condition of approval he will recommend that the den will not be used as a bedroom and to have that incorporated that into each lease agreement.

Mr. Schwarzbaum asked Mr. Appel will the service business being proposed impact the parking; he said that was included in the parking calculations.

Ms. Gabry asked Mr. Appel to detail the dimensions of the proposed signage on the building; he complied.

Ms. Gabry asked Mr. Appel what the signage on the building will say; he said "The West" or something similar to that.

Ms. Gabry asked Mr. Appel how would they assign additional parking spaces to a tenant; he said by lease.

Mr. Redwine asked Mr. Appel if they would consider installing solar panels or wind energy sources on the roof; he said that they could look at that as long as it did not count towards the height.

Mr. Redwine asked Mr. Appel what impact would this project have on town services specifically the sewer system; he said that he would not be the person to answer that.

Mr. Redwine asked Mr. Appel what the rent would be per square foot for the market units; he said that he is not prepared to offer those numbers.

Mr. Redwine asked how the rent for the affordable units compare to the rent for the market units per square foot; Mr. Williams said that the affordable unit rents are significantly lower.

Mr. Redwine asked Mr. Appel how the affordable units compare in size to the market units; he said they are smaller but they are not small units.

Mr. Quentzel asked Mr. Appel to detail the construction materials they are using for the building; he complied.

Mr. Quentzel asked Mr. Appel if the building will be “stick built”; he said yes.

Mr. Quentzel asked Mr. Appel if there will be an elevator that will go to the roof; he said yes.

Mr. Quentzel asked Mr. Appel if there will be an entrance from the lobby to the parking area; he said yes.

Mr. Quentzel asked Mr. Appel if there will be a trash chute; he said yes. Mr. Appel said there is a small trash room on every floor of the building with a trash chute and bins for recycling.

Mr. Eben asked Mr. Appel what the height of the trees are on Northfield Avenue; he said he does not have the exact height of the trees but their Engineer might have them.

Mr. Eben asked Mr. Appel if the top floor is above the tree heights; he said yes.

Mr. Eben stated that he would like something in the resolution stating that they will conform with the Township Ordinance regarding the signage on the retail space.

Mr. Eben asked Mr. Appel what materials will be used on the building; he presented the Material Board that was marked as Exhibit A-12 and detailed all the materials being proposed.

Mr. Eben asked Mr. Appel how they can guarantee that the materials being proposed will not be eliminated if, when the bids come in, the cost is too high; he said that they will be using reasonable choices for the materials.

Mr. Eben asked Mr. Appel if the elevator and the stairs will be concrete masonry units; he said yes.

Mr. Eben asked Mr. Appel if all of the interior finishes are the same in the market units and the affordable units; he said no. Mr. Appel said the materials in the affordable units are a bit more humble and some of the amenities are scaled down a little.

Mr. Eben asked Mr. Appel what year they will start and finish construction; he said he is not the person who can answer that.

Chairman Neuer called for a recess at 9:31 pm.

Chairman Neuer resumed the meeting at 9:41 pm.

Mr. Sussman asked Mr. Appel to delineate on the architectural drawings the location of the proposed sign on the building; he complied.

Mr. Sussman asked Mr. Appel if they took out the proposed daycare could they reduce the top floor of the apartment building and put more units on that site; he said that is not part of the plan.

Mr. Quentzel asked Mr. Appel if the roof top deck has railings; he said yes.

Mr. Quentzel asked Mr. Appel if the apartment windows have child guards on them; he said if they are required by code then they will have them.

Mr. Redwine asked Mr. Appel if the plan is LEED certified; he said no.

Mr. Schwarzbaum asked Mr. Appel to explain why they would not consider eliminating the proposed daycare in order to reduce the height of the building and put more units on that site; he said the developer wants the daycare because it is a paramount element of the project.

Mr. Phillips asked Mr. Appel if the dens have windows; he said not.

Mr. Phillips asked Mr. Appel if the balconies are functional or are they "Juliet" balconies; he said the balconies are functional on a lot of the locations and some are partially recessed.

Mr. Phillips asked Mr. Appel to discuss what material ventilation they will be using

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

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

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

Mr. Rashkes asked Mr. Appel if he has a location list of any daycare centers similar to this design that someone can look at; he said no.

Mr. Rashkes asked Mr. Appel if there are any five (5) story apartment buildings that he designed, similar to this design that someone can look at; he said yes.

Chairman Neuer advised Mr. Appel to submit to the Board Secretary a location list of the five (5) story apartment buildings so that she can provide Mr. Rashkes with the list.

Mr. Rashkes asked Mr. Appel to describe the amenities provided for the rooftop deck; he said sitting areas, a hot tub and private balcony spaces.

Mr. Rashkes asked Mr. Appel if the rooftop deck can be rented out for parties; he said the space is just for tenants and their guests to use.

Mr. Rashkes asked Mr. Appel if they will have a sound system on the rooftop deck for music; he said no, not at this time.

Mr. Rashkes asked Mr. Appel if someone can cook on the rooftop deck; he said yes, there are grills on the deck.

Mr. Rashkes asked if there are fire pits on the rooftop deck; he said no.

Joel Goldstein approached the podium and stated that he lives at 99 St. Cloud Avenue.

Mr. Goldstein asked Mr. Appel if there will be any HVAC units on the roof; he said the units will be self-contained.

Mr. Goldstein asked Mr. Appel if there will be a washer and dryer in each unit; he said yes.

Mr. Ken Alper approached the podium and stated that he lives on Collamore Terrace and is President of the West Orange Board of Education, but that he is not appearing in that capacity.

Mr. Alper asked Mr. Appel if someone will be able to exit from the driveway on St. Cloud Avenue; he said no, that driveway is ingress only.

There were no further questions for Mr. Appel

Mr. Williams called his next witness.

Harold Maltz approached the podium and was sworn under oath. He detailed his educational and professional background as a Professional Traffic Engineer.

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

Mr. Maltz presented the Board Members with a list of projects he worked on in West Orange that was marked as Exhibit A-14 for identification.

Mr. Maltz stated that he submitted a twenty seven (27) page traffic study with an original date of 11/5/15 and a revision date of 2/11/19 along with a parking evaluation study dated 2/12/19.

Mr. Maltz said that the revised traffic study did not include any outbound traffic on St. Cloud Avenue and that none of his conclusions changed.

Mr. Maltz referred to his traffic study and detailed it stating that this project will have no significant adverse impact on the area.

Mr. Maltz referred to his parking evaluation study and detailed it. He explained how the cars will enter the site in the morning and drop off the children at the daycare building. Mr. Maltz stated that the parents walk their children into the school.

Mr. Eben noted that the applicant turned the building 90 degrees and that it would be a little further walk for the parents and children; Mr. Maltz said the entrance is not where he currently shows it.

Chairman Neuer stated that the applicant did not turn the building; they simply changed the façade to make it appear as if it is the front of the building.

Mr. Williams stated at the last meeting he did present a plan to turn the building but the majority of the Board Members did not favor that change; he said instead, they came up with a compromise which would be to keep the entrance where it was originally proposed and create a false front.

Mr. Eben stated for the record that if the playground is not going to be in the rear of the building then he is going to vote no on this project.

Mr. Williams stated that there are many reasons why turning the building is not going to work; he said that he just got the plan today and was going to have their engineer present it to the Board at this meeting if time allowed.

Mr. Schwarzbaum asked Mr. Maltz for clarification regarding his testimony stating that there are seventy nine (79) parking spaces underground.

Mr. Williams answered that question and stated that there are seventy (70) parking spaces underground and nine (9) partially under the building.

Mr. Schwarzbaum asked Mr. Maltz to define the peak hours; he said 7:45 am to 8:45 am and 5:00 pm to 6:00 pm.

Mr. Schwarzbaum referred to page 11 of Mr. Maltz's report and ask him why his count was only one car in and one car out of for the retail space; he said because they do not know what type of business is going there but the number will be very small in the morning no matter what type of business it is.

Mr. Schwarzbaum asked Mr. Maltz for clarification regarding his parking evaluation numbers; he complied.

Mr. Schwarzbaum asked Mr. Maltz for clarification regarding his traffic counts; he complied.

Mr. Schwarzbaum expressed his concern regarding Mr. Maltz's number being realistic.

Chairman Neuer stated that the position of the Board is to either accept what the testimony is or accept that only a portion of it is correct.

Mr. Redwine asked Mr. Maltz if he knew what type of retail they intend to recruit for that space; he said he has no idea.

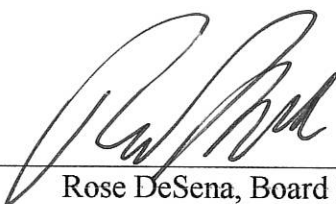
Chairman Neuer noted the time and stated that the application will be carried over to the next regular Zoning Board meeting to be held on August 15, 2019 and no further notice will be necessary.

Chairman Neuer stated that Mr. Maltz will be required to come back to this meeting to continue with questions from members of the public.

Chairman Neuer advised Mr. Williams that there are currently two other applications scheduled to be heard at the August 15th meeting so he will be heard up until the break at 9:30 pm.

The meeting was adjourned by Chairman Neuer at 10:58 pm.

Adopted: August 15, 2019

 8/16/19
Rose DeSena, Board Secretary