

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
February 20, 2020**

The West Orange Zoning Board of Adjustment held a regular meeting on February 20, 2020 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, W. Steinhart, M. Sussman, A. Weiss

ABSENT: M. Straker (excused)

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

ANNOUNCEMENTS

Future Meetings:

March 19, 2020 (regular meeting)
April 16, 2020 (regular meeting)
May 21, 2020 (regular meeting)

ANNUAL REPORT

Adopt: Zoning Board of Adjustment Annual Report – 2019

Chairman Neuer announced that the 2019 Zoning Board of Adjustment's annual report was circulated to all Board Members. The Chairman asked if there were any comments, revisions or other suggestion. There being none, Chairman Neuer requested a motion to approve.

Ms. Gabry made a motion to adopt the 2019 Zoning Board of Adjustment's annual report and Mr. Steinhart seconded the motion; all were in favor.

MINUTES

January 16, 2020 (regular meeting)

Chairman Neuer stated that the draft minutes from the January 16, 2019 regular meeting were circulated to all of the Board Members.

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

Chairman Neuer made a motion to adopt said minutes and Mr. Eben seconded the motion.

All were in favor.

It was noted for the record that Mr. Sussman and Mr. Quentzel were not present for the January 16, 2019 meeting and did not vote on these minutes.

SWEARING IN

Paul Grygiel, acting Planning Director for the Township was sworn under oath.

APPLICATIONS

1. ZB-19-10/955 Pleasant Valley Way, LLC

Block: 172.02; Lots: 8.01 & 8.03; Zone: B-2

955 & 963 Pleasant Valley Way

Seeking a "d" use variance and "c" variance to construct a five (5)

Story self-storage facility

EXHIBITS

A-1 – Aerial view of the site dated 2/20/2020

A-2 – Sheet B-1 conceptual plan dated 11/13/19 – colorized

A-3 – Architectural rendering of the façade – colorized – dated 2/20/2020

A-4 – Cross section 'A' – drawing 1 of 1 dated 2/20/2020

A-5 – Cross section 'B' – drawing 1 of 1 dated 2/20/2020

Chairman Neuer stated that Mr. Sussman has performed appraisal services for the applicant and has recused himself from participating in this application.

Mr. Sussman stepped off of the dais.

Chairman Neuer stated, for the record, that this application has been bifurcated and explained the procedures for a bifurcated application.

Chairman Neuer stated that an applicant who submits an application that requires approval of a Use variance has the option to split their hearing and be heard first for the Use variance only.

Chairman Neuer stated that if the Board votes yes and the Use variance is granted, then the applicant will have to re-notice and come back for site plan approval and approval for the bulk variances being sought.

Chairman Neuer said that if the Board does approve the Use variance then conditions of the approval must be established.

Chairman Neuer asked if any members of the public had any questions regarding the bifurcation.

Kevin Malanga approached the podium and stated that he lives at 57 Ridge Road.

Mr. Malanga asked if there will be any testimony regarding any of the bulk issues in this application; Chairman Neuer said that there should be testimony for some of the bulk variances but questions can only be asked about the content of the testimony presented this evening.

Jason Tuvel, attorney for the applicant, approached the podium.

Mr. Tuvel explained why the applicant bifurcated the application.

Mr. Tuvel stated that his client is proposing to construct a five story self-storage facility on one vacant lot and one lot that currently has a structure on it. He said that self-storage facilities are not permitted in this zone and the building height is being proposed at forty six (46) feet when thirty five (35) feet is allowed.

Mr. Tuvel stated that the facility will be open from 6:00 am to 10:00 pm and there will be no access to the building after 10:00 pm. He said that there will also be one on-site employee.

Mr. Tuvel detailed the signage and stated that the lighting for the signage will be turned on at 6:00 am and turned off at 10:00 pm. He said the building will require key cards for entry and they will have cameras on the site.

Chairman Neuer stated that the set back and buffer variance requested should wait until the second part of the application is heard; Mr. Tuvel stated that he noticed for those bulk variances as a precaution.

Chairman Neuer stated that the application is to be amended; He said that the Board will consider only the use and the building height "d" variances; the bulk variances for the number of stories, parking location, location of loading docks, number of parking spaces and number of loading spaces are excluded from this segment of the application.

Mr. Tuvel called his first witness.

Jeffrey Martell, project engineer, approached the podium and was sworn under oath.

Mr. Martell detailed his professional and educational background as a Professional Engineer licensed in the State of New Jersey.

Chairman Neuer accepted Mr. Martell as an expert in professional engineering.

Mr. Martell presented an aerial view of the site dated 2/20/2020 that was marked as Exhibit A-1 for identification. He stated that all of the plans from Stonefield Engineering were prepared under his supervision.

Mr. Martell referred to Exhibit A-1 and detailed the existing conditions on the site. He said that they are proposing to combine two lots into one parcel.

Mr. Martell detailed the topography and the elevations of the sites.

Mr. Eben asked Mr. Martell if the United Rental site has two buildings on it; he said yes.

Mr. Martell presented a colorized conceptual plan dated 11/13/19 that was marked as Exhibit A-2 for identification.

Mr. Martel referred to Exhibit A-2 and detailed it stating that they are proposing seven (7) parking spaces and four (4) loading spaces.

Mr. Martell detailed the ingress and egress driveways along Pleasant Valley Way and said that they will be consolidating the four (4) existing curb cuts two (2) curb cuts.

Mr. Martell stated that CubeSmart® is the operator of this facility; he said that the building will be open from 6:00 am to 10:00 pm and no one can gain access before or after those times.

Mr. Martell said that access to the building will be key carded and that there will be an onsite Manager at the facility from 6:00 am to 10:00 pm.

Mr. Martell said that the total number of employees will possibly be three (3) and the units will be rented on a month to month arrangement; no long term agreements.

Mr. Martell stated that all units are accessed within the building; there will not be any exterior storage units.

Mr. Martell detailed the parking spaces on the site stating that eleven (11) vehicles can be parked on the property.

Chairman Neuer asked Mr. Martell if there is room for more parking spaces on the site; he said yes but they only proposed what the owner felt was needed.

Mr. Martell detailed the elevations of all sides of the structure; he said the properties on Pleasant Valley Way would see the sixty two (62) foot high structure and the house in the rear of the building would see eight (8) to fifteen (15) feet.

Mr. Martell presented the architectural colored rendering of the façade, dated 2/20/2020, that was marked as Exhibit A-3 for identification and detailed it; he said that the signage will only be on the façade and not on the sides of the building.

Mr. Martell presented cross section A that was marked as Exhibit A-4 for identification and cross section B that was marked as Exhibit A-5 for identification; both Exhibits dated 2/20/2020.

Mr. Martell referred to Exhibits A-4 and A-5 and detailed them stating that no vegetation is depicted on either of the cross sections.

Chairman Neuer asked Mr. Martell how many storage units are being proposed; he said approximately 1,200 to 1,400 units.

Chairman Neuer asked Mr. Martell if they are proposing only seven (7) parking spaces for that amount of storage units; he said yes.

Chairman Neuer asked Mr. Martell if turning templates were submitted; he said they did prepare turning templates and that their traffic engineer will testify to that.

Chairman Neuer asked Mr. Martell if the building wall will also be the retaining wall; he said yes. Chairman Neuer stated that he has concerns about that.

Chairman Neuer advised Mr. Tuvel to submit a copy of the lease because he was not satisfied with the testimony.

Chairman Neuer asked Mr. Martell if the building will appear to be sixty two and a half (62 ½) feet from Pleasant Valley Way; he said yes.

Chairman Neuer asked Mr. Martell what the finished floor height will be; he said fourteen (14) feet on the first floor and eleven (11) feet on the other floors.

Ms. Weiss asked Mr. Martell if 1,200 storage units is the average number of units in the other facilities; he said he did not know.

Chairman Neuer advised Mr. Tuvel to provide the locations of the other storage facilities.

Mr. Schwarzbaum asked Mr. Martell what the houses behind the facility will see; he said the back of the building.

Mr. Schwarzbaum asked Mr. Martell what the distance between the building and home behind the facility is; he said approximately fifty (50) feet.

Mr. Schwarzbaum asked Mr. Martell what size truck the loading spaces can accommodate; he said a forty (40) foot truck.

Ms. Gabry asked Mr. Martell if they are performing a shade study; he said he they did not do one yet but they can.

Ms. Gabry asked Mr. Martell if there is entry to the building from the loading area; he said yes and detailed how one would enter from there.

Mr. Redwine asked Mr. Martell how the customers will gain entrance to the building; he said the customers will have a key card to access the building.

Mr. Redwine asked Mr. Martell how they will restrict entry to the building after hours; he said the key card will not work before or after hours.

Mr. Redwine asked Mr. Martell how they will prevent water from collecting behind the building from the run-off of the slope; he said they have not submitted a grading plan yet but a collection swale will be behind the building to divert the water run-off.

Mr. Redwine asked Mr. Martell if they need approval from the County to re-design the curb cuts on Pleasant Valley Way; he said yes.

Mr. Quentzel asked Mr. Martell if they looked at other locations in town to build this storage facility; he said he did not know.

Mr. Quentzel asked Mr. Martell if this project could work at a lower height.

Mr. Tuvel answered and stated that this would be a business question for the owner.

Chairman Neuer asked Mr. Martell if there is an engineering restraint that the building cannot be built at a lower height; he said no.

Mr. Eben asked Mr. Martell if the house behind the building will be looking at the mechanicals on the roof or just the wall; he said that is a question for the Architect.

Mr. Eben asked Mr. Martell if they are proposing to install bollards to protect the columns; he said yes and delineated on the plans where they will be installed.

Mr. Eben stated that he would like to see on the drawings how they calculated the height of the building at 46'.

Chairman Neuer called for a recess at 9:16 pm.

Chairman Neuer resumed the meeting at 9:26 pm.

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

Kevin Malanga approached the podium and stated that he lived at 57 Ridge Road.

Mr. Malanga asked Mr. Martell if the building height proposed included the mechanicals on the roof; he said that the Architect can answer that question.

Mr. Malanga asked Mr. Martell for more details about the water collection swale; he said that it has not been designed yet.

Chairman Neuer stated that if the building wall is the retaining wall then there will not be any room for a swale.

Mr. Malanga asked Mr. Martell what the proposed setback of the building is; he said sixteen (16) to twenty nine (29) feet from Pleasant Valley Way.

Khabirah Myers approached the podium and stated that she lives on 147 Marion Drive.

Ms. Myers asked Mr. Martell how much vegetation will be disturbed by the building of the retaining wall.

Chairman Neuer stated that the retaining wall has not yet been engineered and will be part of the second half of this application.

Mr. Martell said that there may be approximately twenty (20) feet of disturbance behind the wall.

Ms. Myers asked Mr. Martell if the building will obstruct sunlight to the house behind it.

Chairman Neuer stated that the applicant will provide a shade study before the next meeting.

Ms. Myers asked Mr. Martell if the facility will be at full capacity at approximately fourteen hundred (1,400) customers; he said yes.

Ms. Myers asked Mr. Martell if there are only seven (7) parking spaces does he think that customers will park on the street if there are no more parking spaces on the site; he said the traffic engineer can testify to that.

Claire Silvestri approached the podium and stated that she lives at 20 Grand View Avenue.

Ms. Silvestri asked Mr. Martell whether it is the building or the property line that will be forty five (45) to fifty (50) feet from the home to the west of the site; he said the building.

Ms. Silvestri asked Mr. Martell if they will be cutting approximately twenty (20) feet into the slope beyond the rear of the building; he said yes.

Ms. Silvestri asked Mr. Martell how many feet they will be cutting into the steep slope; he said approximately thirty (30) to fifty (50) feet plus or minus.

Manuel Lin approached the podium and stated that he lives at 938 Pleasant Valley Way.

Mr. Lin asked Mr. Martell who set the thirty (30) foot right of way on Pleasant Valley Way

Chairman Neuer stated that the right away is set by the County because it is a county road and they will also have to go to the County for approval.

Dara Zadikow-Skarren approached the podium and stated that she lives at 9 Lorelie road.

Ms. Skarren asked Mr. Martell if there will be pile driving for the retaining wall; he said that they have not designed the retaining wall yet but there may be temporary shoring measures required to stabilize the slope.

There were no further questions from the members of the public.

Harvey Grossman, Esq., the Public Advocate, asked Mr. Martell how far the structure is from the intersection of Mt. Pleasant Avenue and Pleasant Valley way; he said approximately three hundred fifty (350) feet.

Mr. Schwarzbaum asked Mr. Martell to provide the Board with information regarding the other projects similar to this one that they worked on i.e. the heights of the buildings, number of units, addresses, square footage and number of parking spaces.

Chairman Neuer asked Mr. Tuvel if he has any more witnesses; he said no.

Mr. Tuvel stated that he would like to be carried over to the April 16, 2020 Zoning Board meeting because their Architect will not be available for the March meeting.

Chairman Neuer stated that this application will be carried over to the April 16, 2020 meeting and that no further notice will be required.

The meeting was adjourned by Chairman Neuer at 9:51 pm.

Adopted: May 21, 2020


Rose DeSena, Zoning Board Secretary