

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
September 24, 2020**

The West Orange Zoning Board of Adjustment held a special meeting on September 24, 2020 commencing 8:00 PM utilizing the virtual Zoom platform.

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 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. Straker, A. Weiss

ABSENT: M. Sussman (recused and excused)

ALSO PRESENT: Paul Grygiel, Acting 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: October 15, 2020 (regular meeting)
November 19, 2020 (regular meeting)
December 17, 2020 (regular meeting)

SWEARING IN

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

APPLICATIONS

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

Carried from 7/16/2020

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

955 & 963 Pleasant Valley Way

Seeking “d” use and height variances and “c” variances and preliminary and final major site plan approval to construct a four (4) story self-storage facility.

EXHIBITS

A-1 – Aerial view of the site, prepared by Stonefield Engineering, dated 2/20/2020.

A-2 – Concept plan B, prepared by Stonefield Engineering dated 7/16/2020

A-3 - Rendered site plan dated 7/16/2020

A-4 – Section exhibit dated 6/3/2020

Chairman Neuer announced that Ronda Reinstein, certified shorthand reporter, will be the official transcriber for this meeting.

Jason Tuval, attorney for the applicant, stated that this is the fourth hearing of this application.

Mr. Tuval stated that they received a memo from the Township’s Fire Official, dated 9/9/2020, and will comply with the recommendations in the memo if this application is approved.

Mr. Tuval stated that they also received a memo from the Township’s Police Department Traffic Division, dated 9/21/2020. He said that the applicant has not reviewed that memo yet and will get back to the Board once they do.

Chairman Neuer stated for the record that the emails sent to the applicant’s Traffic Engineer, Matthew Seckler, from the Essex County Planner, Mr. Antonio, that he referred to during his testimony at the last meeting, was provided to the Board Members as requested.

Mr. Tuval stated that the applicant’s architect, their structural engineer and their GEO technician will be testifying at this meeting.

Mr. Tuval said that, if time allows, someone from the applicant’s operations group will also testify at this meeting, , which testimony will be limited to operations only. Mr. Tuval said that he will call this witness for part of her testimony and will bifurcate her testimony for a later date.

Mr. Tuval stated that there is a new Township zoning ordinance that they would like the opportunity to review regarding the parking requirement for a self-storage facility. He said that one of the items that was modified in the new ordinance was that seventeen (17) parking spaces for this project are required and currently they are providing twelve (12) parking spaces. Mr. Tuval stated that the applicant wants the ability to address that at a later date and possibly be able to provide the required number of parking spaces on the site eliminating that variance.

Chairman Neuer stated that any amended plans must be submitted to the Board at least ten (10) days before the next meeting; Mr. Tuval agreed.

Mr. Tuval called his first witness.

Louis Vandeloeh, architect for the applicant, detailed his professional and educational background as a Professional Architect licensed in the State of New Jersey.

Chairman Neuer asked Mr. Vandeloeh if he has an office in New Jersey; he said no. Mr. Vandeloeh said that his office is in St. Louis, Missouri.

Mr. Eben stated for the record that the name of the firm Mr. Vandeloeh works for is on the plans instead of his name; he said that Mr. Vandeloeh's title block must be on the drawings, not the company's, because they are not licensed in the State of New Jersey.

Mr. Vandeloeh said that he can change that.

Chairman Neuer stated that there may be a question regarding the firm but that does not mean that Mr. Vandeloeh is not an expert in architecture.

Chairman Neuer accepted Mr. Vandeloeh as an expert in architecture.

Mr. Tuval asked Mr. Vandeloeh if he prepared the architectural plans before the Board; he replied yes.

Mr. Tuval asked Mr. Vandeloeh if he worked on self-storage projects before; he said yes.

Mr. Vandeloeh presented sheet A-5 of the east elevation plan dated 6/5/2020 that was part of the submission package; he said that the north, south east and west elevations are all on the same plan.

Chairman Neuer asked Mr. Tuval if they decide to find five (5) additional parking spaces, will it change the aesthetics of the building; he said he does not think there will be any significant change to the architecture of the building. Mr. Tuval said that if it does, they will submit the revised plan.

Mr. Vandeloeh referred to the east elevation plan and detailed it and the north and south elevations, detailing the features on the façades and what materials will be used on the building.

Mr. Vandeloeh detailed the west elevation noting that all of the roof top elements are screened; he said that the rooftop is not visible from the street.

Mr. Vandeloeh presented sheet A-10 of the colored renderings dated 6/9/2020; he detailed the rendered view from above stating that the height will be approximately seventy five (75) to eighty (80) feet above the street.

Mr. Vandeloeh presented the sheet A-11 of the rendering for the north side of the building, dated 6/9/2020, and detailed it.

Mr. Vandeloeh presented sheet A-1 of the lower cellar floor plans dated 6/5/2020 and detailed it; he said that the lower cellar is completely below grade.

Mr. Tuval asked Mr. Vandeloeh if the building is ADA compliant and compliant with all of the fire codes; he said yes.

Mr. Vandeloeh presented sheet A-2 of the upper cellar floor plan, dated 6/5/2020, and detailed it.

Mr. Vandeloeh presented sheet A-2-1 of the office floor plan and restroom locations, dated 6/5/2020, and detailed it.

Mr. Vandeloeh presented sheet A-3 of the first and second level floor plans, dated 6/5/2020, and detailed it.

Mr. Vandeloeh presented sheet A-4 of the top floor plan, dated 6/5/2020, and detailed it.

Mr. Vandeloeh presented sheet A-6 of the roof plan, dated 6/5/2020, and detailed it. He said that the elevator penthouse will be approximately two (2) or three (3) feet above the roof, similar to the HVAC equipment.

Chairman Neuer asked Mr. Vandeloeh to state the exact height of the building; he said sixty (60) feet eight (8) inches.

Chairman Neuer asked Mr. Vandeloeh to state the measurements of the signs; he said that that he did not have those measurements with him.

Chairman Neuer asked Mr. Vandeloeh if he looked at the Township ordinance; he said yes.

Chairman Neuer asked Mr. Vandeloeh according to the Township ordinance how much signage is allowed to be put on the façade; he said he does not know what is permissible by ordinance right now.

Chairman Neuer asked Mr. Vandeloeh to state how many stories are on the building, including the cellars; he said five (5).

Chairman Neuer referred to the renderings and asked Mr. Vandeloeh to describe what is shown behind the building; he said those are the trees that are shown on the landscaping plan.

Chairman Neuer asked Mr. Vandeloeh if he chose to show trees on the renderings instead of the houses behind the building; he said yes.

Chairman Neuer asked Mr. Vandeloeh if the building is totally sprinklered; he said yes.

Chairman Neuer advised Mr. Vandeloeh to provide the type of fire compression system that is being installed in the building.

Chairman Neuer asked Mr. Vandeloeh from an architectural standpoint, is there any reason that the building cannot be built to the height allowed by ordinance; he said no.

Mr. Quentzel asked Mr. Vandeloeh what type of noise levels will the HVAC equipment produce; he said that currently it is designed at 22 decibels but he has not seen the final levels.

Mr. Tuval stated that he can provide testimony at the next meeting regarding the appropriate decibel levels on the site.

Ms. Weiss stated that when the plans are revised, she would recommend that they lower the building to two (2) stories.

Mr. Steinhart asked Mr. Vandeloeh how much higher is the parapet from the lowest floor level of the homes behind the building; he said he did not have that information right now.

Mr. Tuval stated that he can get that number.

Chairman Neuer asked Mr. Tuval to try to get that number during the break.

Mr. Schwarzbaum asked Mr. Vandeloeh if the Cube Smart Self-Storage sign can be made smaller; he said yes, but it will get lost in the elevation.

Mr. Tuval stated that they will take a look at it and see if it can be reduced.

Mr. Schwarzbaum asked Mr. Vandeloeh if there will only be stairs on the north east side of the building; he said yes. Mr. Vandeloeh said that there is no requirement to have stairs for the other side of the building.

Mr. Eben stated that there is a door at the south elevation on the renderings but it is not on the plan; Mr. Vandeloeh said that is the door to the electrical room.

Mr. Eben noted for the record that only one third (1/3) of windows can be covered per the Township ordinance and asked Mr. Vandeloeh if the windows are clear and not up against the glass; he said yes.

Mr. Eben stated that he would like to see arrows on the stairways depicting which way goes up and which way goes down; he said they are not currently on the plans.

Mr. Eben requested a five (5) year maintenance plan for the trees.

Mr. Eben referred to sheet A-2 and asked Mr. Vandeloeh if they will be putting bollards in front of the support columns near the loading dock; he said they are still trying to figure that out.

Mr. Eben requested that they place that on the plans.

Mr. Eben advised the applicant to make sure that the snow in front of the door from the fire stairs to the sidewalk is cleared out so that the door can swing out in case of an emergency.

Mr. Eben asked Mr. Vandeloeh how they determined that only one bathroom per floor is required; he said it is not a completely occupied building and that the Township's construction official will determine how many bathrooms are required.

Mr. Eben asked Mr. Vandeloeh if they are prepared to put in another bathroom if the code official requires that; he said yet.

Mr. Eben requested that they check the height of the parapet wall above the roof to make sure that it can protect someone walking on the roof.

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

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

Brent Scott stated that he lives at 75 Nestro Road and asked Mr. Vandeloeh why they are asking for nine (9) variances; he said that they are required for the project that their client is proposing.

Mr. Tuval stated that their Professional Planner will testify to that at a later date.

Mr. Scott asked Mr. Vandeloeh why the renderings only depict five (5) houses when in reality, between Mayfair Drive to Nestro Road there is at least two dozen homes.

Chairman Neuer stated that the renderings are not accurate and do not reflect the actual conditions in the area.

Mr. Scott asked Mr. Vandeloeh if there were any other areas looked at for this project; he said he does not know if they looked at any other sites.

Mr. Grygiel referred to Mr. Scott's comment and stated for the record, for clarification, that this project is not near Mayfair Drive and Nestro Road.

Kevin Malanga stated that he lives at 57 Ridge Road and asked Mr. Vandeloeh what time of the year he visited the site; he said he never visited the site. Mr. Vandeloeh said that he had an associate visit the site in the fall.

Mr. Malanga asked Mr. Vandeloeh if they can provide an accurate rendering; he said yes.

Mr. Malanga referred to sheet A-5 of the renderings and asked Mr. Vandeloeh if the windows are real glass windows; he said yes.

Mr. Malanga asked Mr. Vandeloeh if the design of this building is the typical design for Cube Smart; he said yes.

Mr. Malanga asked if the applicant can provide addresses for other Cube Smart facilities.

Mr. Tuval said that if the Board requests that they will.

Chairman Neuer requested that they provide addresses for other Cube Smart facilities.

Manual Lim stated that he lives at 98 Pleasant Valley Way and referred to sheet A-10 of the renderings and stated that there are three (3) driveways on Pleasant Valley Way across from the site. He asked Mr. Vandeloeh why there are not three (3) driveways depicted in the rendering; he said that if they re-submit that they will include those driveways.

Chairman Neuer iterated that these are renderings and not an accurate depiction of what is there.

Mr. Scott came on record and stated that his comment regarding the location of the site was incorrect and he apologized.

Chairman Neuer called for a recess at 9:45 pm.

Chairman Neuer resumed the meeting at 9:54 pm.

Mr. Tuval called his next witness.

Brian Rawlings, structural engineer for the applicant, was sworn under oath.

Mr. Rawlings detailed his educational and professional background as a Professional structural engineer licensed in the State of New Jersey.

Chairman Neuer accepted Mr. Rawlings as an expert in structural engineering.

Mr. Rawlings stated that he was retained to develop a foundation design and presented sheet S-1 of the conceptual basement plan dated 5/28/2020.

Mr. Rawlings referred to sheet S-1 stating that it depicts the foundation design of the building and detailed it.

Mr. Rawlings presented sheet S-3 of the conceptual structural section plan dated 5/28/2020 and detailed it.

Mr. Tuval asked Mr. Rawlings, based on the design, will there be any stability issues in the rear of the building; he said no.

Chairman Neuer asked Mr. Rawlings if the building was smaller, would they still have to go through all of what you just detailed; he said yes.

Chairman Neuer asked Mr. Rawlings what would have to be done to the property if this use was abandoned; the witness stated that the building could remain and be repurposed. Chairman

Neuer asked what would remain if the building was removed; the witness stated that the cement and iron rods installed in the ground would remain.

Mr. Eben asked Mr. Rawlings to state the life span of the design; he said that it is designed for the life of the building.

Mr. Eben asked Mr. Rawlings what the life span is in terms of years; he said he cannot give that answer in years.

Mr. Eben asked Mr. Rawlings what are the tie backs anchored to; he said they are drilled into the existing sub-grade.

Mr. Eben asked Mr. Rawlings what the anticipated depth of the tie backs are; he said that the wall that they designed is on the footprint of the building and the tie-backs are at approximately thirteen (13) feet of vertical spacing.

Mr. Eben asked Mr. Rawlings how the H columns are secured; he said they are drilled in.

Mr. Eben asked Mr. Rawlings if the foundation of any of the houses near the site can be affected when they are drilling; he said no.

Mr. Schwarzbaum asked Mr. Rawlings if they can make the building two (2) stories below ground level; he said depending on the bedrock he was not sure if they could.

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

Chairman Neuer asked if any members of the public have any questions for Mr. Rawlings.

Kevin Malanga stated that he lives at 57 Ridge Road and asked Mr. Rawlings about the measurement vibration and to explain how the vibratory monitoring will be done during the H Pile installation process; he explained how they monitor it.

Joyce Rudin stated that she lives at 38 Woodland Avenue and asked Mr. Rawlings what they look for when measuring vibrations; he said that they look to make sure that the vibrations do not rise over a certain threshold that would cause damage to surrounding properties.

Ms. Rudin asked Mr. Rawlings what the worst possible scenario would be if the vibrations are too high; he said he cannot answer that.

Ms. Rudin asked Mr. Rawlings if the building can survive an earthquake; he said yes.

Ms. Rudin asked Mr. Rawlings is it possible for the slope to fall and the homeowners above the site could be in jeopardy; he said that this design prevents that from happening.

Chairman Neuer asked Mr. Rawlings what they do to correct the situation if the vibrations are too high; he said that the construction process will stop and they will determine why this is happening. Mr. Rawlings stated that there will be a licensed special inspector, who is certified by the State of New Jersey, monitoring the system.

Harvey Grossman, public advocate, asked Mr. Rawlings if the monitoring is done during all of the construction; he said only during the H pile installation process.

Mr. Tuval called his next witness.

Chris Koss, GEO technician, was sworn under oath.

Mr. Koss detailed his educational and professional background as a licensed civil engineer in the State of New Jersey.

Chairman Neuer accepted Mr. Koss as an expert in GEO technical engineering.

Mr. Koss stated that he prepared two reports, the original and a supplemental report dated 7/24/2020, and visited the site once.

Mr. Koss stated that he did a soil foundation investigation to determine what type of foundation would be feasible.

Mr. Koss detailed his findings in his investigation and stated that there is no reason why the retaining wall cannot be built. He said the design of the wall is built to stabilize the slope and the slope will not be compromised.

Chairman Neuer asked Mr. Koss if soil will be removed from the site; he said yes from the basement excavation.

Chairman Neuer asked Mr. Koss where the soil will be disposed of; he said he did not know.

Chairman Neuer asked Mr. Koss if any fill will be brought in; he said he did not think so.

Mr. Eben asked Mr. Koss how many feet below grade is the ground water level; he said ten (10) feet below grade.

Mr. Hess asked Mr. Koss what the depth of the H piles to the rock; he said the elevation of the rock is 366, 360, 373, 375 depending on where you are on the site.

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

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

Kevin Malanga stated that he lives at 57 Ridge Road and asked Mr. Koss if there are existing monitoring wells on the site; he said yes.

Mr. Malanga asked Mr. Koss if excavation will disturb the existing monitoring wells; he said they will be removed.

Chairman Neuer stated for the record that the applicant's LSRP testified and stated that some of the monitoring wells on the site will be relocated.

There were no further questions for Mr. Koss.

Chairman Neuer noted the time and stated that this Board adjourns at 11:00 pm.

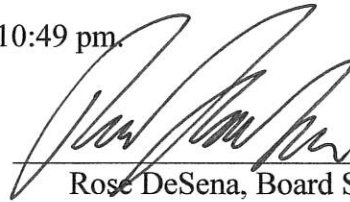
Chairman Neuer stated for the record that this application will be carried over to the November 19, 2020 regular meeting and that no further notice will be required.

Chairman Neuer advised Mr. Tuval that they will have the second half of the meeting and that the Board would rather work with any new plans and not the past plans.

Mr. Tuval asked Chairman Neuer if the Board would consider having a special meeting for his client; he said that the Board Secretary will poll the Members for dates for a special meeting after the November meeting.

The meeting was adjourned by Chairman Neuer at 10:49 pm.

Adopted: October 15, 2020

 10/19/2020
Rose DeSena, Board Secretary