

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
March 29, 2021

The West Orange Zoning Board of Adjustment held a special meeting on March 29, 2021 commencing 8:00PM utilizing the virtual Zoom platform.

Chairman Neuer called the meeting to order at approximately 8:01PM. 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.

Alice Beirne, Esq., Board Attorney read the opening statement.

Present:

Jerome Eben, Philip D. Neuer, Bart Quentzel, Jonathan Redwine, Peter Ricci,
Irv Schwarzbaum, William Steinhart, Dr. Michael Straker, Alice Weiss

Absent: Mark Sussman [excused absence]

Also Present: Kate Keller, Acting Planning Director for Township (proxy for Paul Grygiel)
John Hess, Consulting Engineer for the Township
Alice Beirne, Esq. Board Attorney
Diana L. Chandler, Board Secretary

ANNOUNCEMENTS

Meetings: April 15, 2021 (regular)
May 20, 2021 (regular)
June 17, 2021 (regular)

Chairman Neuer made 2 (two) additional announcements.

1) Bruce Buechler has been confirmed as Judge of the Superior Court of the State of New Jersey. Congratulations to Bruce and this is a great day for all of us who served with him on the Board.

2) Emails sent to Board Members will not be read or considered; they are not evidence. Chairman Neuer then read § 18-4.5 from the recognized treatise *New Jersey Zoning & Land Use Administration* by William M. Cox; current revision by Jonathan E. Drill, 2021 which confirms this procedure. An exemplar will be placed into the file for this application; however none are admitted as evidence.

SWEARING IN

Ms. Kate Keller, acting Planning Director for the Township (proxy for *Paul Grygiel*), and *Mr. John Hess*, consulting Engineer for the Township, were sworn under oath by *Ms. Beirne*.

APPLICATIONS

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

Carried from 3/18/2021

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

955 & 963 Pleasant Valley Way

Seeking “d” use variance and “c” variances and preliminary and final major site plan approval to construct a four (4) story self-storage facility. Originally carried from 1/21/2021.

Presentation:

Mr. Tuvel (applicant’s attorney) and *Ms. Rhonda Reinstein* (court reporter) entered their appearances on the record. *Ms. Reinstein* was designated the official court reporter for this application.

Prior hearings on this matter were:

February 20, 2020

July 16, 2020

August 20, 2020

September 24, 2020

November 19, 2020

January 21, 2021

Ms. Carol Shipley was Sworn under oath to continue her testimony.

Board Questions:

- *Mr. Schwarzbaum* asked if tenants can pay with cash or credit card. *Ms. Shipley's* response was that cash is not common. When *Mr. Schwarzbaum* asked what percentage of clients pay in cash, *Ms. Shipley* responded that it depends on the market and the day.
- *Mr. Eben* asked why this site was chosen and why an existing site in West Orange was not mentioned when sites were being evaluated as there are shopping centers with empty store fronts. *Ms. Shipley* responded that she did not take part in the selection; she was brought in afterwards and did not visit the site other than seeing it via Google Earth. *Mr. Eben* asked about the ability to convert the building to another use if the proposed storage units failed economically. He observed that there are only 14 parking spaces which limits the potential repurposing of the building if this endeavor does not work.
- *Mr. Redwine* asked about potential uses for site. What were the other options? *Ms. Shipley* responded that she does not get in way of uses for the site. Demand for this product type is 90% based on her study. *Mr. Redwine* questioned what kind of engagement Cube Smart would have in the community. *Ms. Shipley* responded that Cube Smart is a "Community minded" company; she is confident they will become a part of the West Orange Community. As far as financially, she cannot comment but everything she has said is based on prior experiences. *Mr. Tuvel* stated that he believes that this was not a relevant question.
- *Chairman Neuer* asked if the applicant will stipulate that no on site auctions would take place. *Mr. Tuvel* answered in the affirmative.

Public Questions:

- *Charles Upshaw*, 105 Roosevelt Avenue; asked if the witness was aware of the 25% steep slope, and that building on this size slope is not allowed in West Orange. *Ms. Shipley* responded in the affirmative, but that this is not her area of expertise. *Chairman Neuer* advised *Mr. Upshaw* that his questions have been asked and answered, and that previous witnesses will not be returning.
- *Kevin Malanga*, 57 Ridge Road; inquired about surveillance and security daily after 6pm. *Ms. Shipley* responded that there are cameras and key-code entrances; those recordings will not be live-monitored after hours (after 10pm, but reviewed the next day).

Mr. Malanga continued by asking about what type of items are not allowed to be stored; including firearms and ammunition. *Ms. Shipley* mentioned several items, including guns and ammunition that are listed in the unit leases. *Mr. Malanga* asked if usage is monitored by humans. *Ms. Shipley* said staff walks around during business hours and are aware; the tapes are also reviewed to see if any such items have been brought in that were not detected by staff.

- *Joyce Rudin*, 38 Woodland Avenue; asked about what type of items are generally stored.

Ms. Shipley responded with types of items typically stored. *Ms. Rudin* continued by asking if people could slip in hazardous materials labeled as other items, and if this facility would be a target for thieves. *Ms. Shipley* responded these incidents are an exception, not a rule; and that they are often the result of domestic disputes.

- *Joseph Vena*, 34 Stone Drive, asked if *Ms. Shipley's* testimony is as a marketing expert.

Ms. Shipley responded in the affirmative.

- *Melgely Valdez*, 16 Elm Street; asked what types of thefts could happen. *Ms. Shipley* stated that theft is rare, and that this is a “good market.” *Ms. Valdez* followed up by asking what “good market” means. *Ms. Shipley* clarified that she means a residential area.

- *Isabel Dias Freedman*, 716 Northfield Avenue, asked if there will be an employee on site after the office closes at 6pm. *Ms. Shipley* answered no, but that lighting and security cameras will be on and recording. *Ms. Freedman* repeated these questions and *Ms. Shipley* provided the same answers each time.

- *Manuel Lim*, 938 Pleasant Valley Way, asked how many neighborhood people will rent at the facility. *Ms. Shipley* reiterated that most renters live within 20 minutes, and stated this answer several ways in response to multiple similar questions.

- *Loren Svetvilas*, 699 Prospect Avenue, wanted to know if not visiting the site is standard operating procedure. *Ms. Shipley* pointed out that she fulfilled her assignment of doing a desktop study; and that this is common, especially during the pandemic. *Mr. Svetvilas* continued with questions regarding renters robbing others' units or sleeping in their unit. *Ms. Shipley* responded with methods for avoiding these occurrences. She concluded by stating she would talk to CubeSmart about their plans for community involvement.

Chairman Neuer called a recess at 9:19pm; the meeting reconvened at 9:26.

Ms. Shipley's testimony was concluded

- *Mr. Tuvel* introduced the applicant's Planner, *Mr. Charles Heydt*; *Mr. Heydt*, was sworn under oath and offered his credentials as a professional planner.

- *Mr. Heydt* was accepted as an expert in the field of planning. *Mr. Tuvel* asked *Mr. Heydt* if he had visited the site and reviewed the applicable zoning, laws, plans, and all matters relating to this application. *Mr. Heydt* answered in the affirmative. *Mr. Heydt* entered the Town's Zoning Map as evidence. The site in question was zoomed in on; and he stated that there are several commercial sites across the street and residential uses going up Mt. Pleasant Avenue. The witness showed photos of the area that has mostly remained unchanged for a long time; the lot in question that is still being remediated; another showed a structure on the property which has since been removed; there were also pictures of a current retaining wall and the adjacent former Ynited Rent-all site next door. Additional photos showed a strip mall and a restaurant that will remain in the area, and pictures of commercial buildings and billboards across Pleasant Valley Way. The witness then showed an aerial photo of the site to show where residential properties are in relation to the proposed site. Witness moved on to review suitability and the need for the particular variances for which the applicant is asking relief. Suitability: it is a large site of 70,000 sq. ft., and its proximity to a County right of way, not a residential side street. This plan was compared to other previous applications that had been approved in town.

Additional Board Questions:

- *Mr. Eben* asked about the Master Plan referred to by the witness and if it was the most recent revision. *Mr. Heydt* answered in the affirmative. *Mr. Eben* asked about previous applications for this site, and whether these had to deal with the steep slope, and if stormwater drainage is acceptable now, how does this project improve upon it. *Mr. Eben* asked if this project as a rateable is comparable to other rateables. *Mr. Heydt* responded that the current vacant land is not a significant rateable. *Mr. Eben* inquired about the

residential and commercial uses in the immediate area, and if the residential values will suffer at the top of the ridge. *Mr. Heydt* reported that this was not studied, and was not a rationale for this application.

- *Mr. Redwine* asked if alternative uses were discussed with the applicant; and when the applicant purchased the site. *Mr. Heydt* answered in the negative, and added that many meetings have taken place with the applicant during this process. *Mr. Redwine* asked about alternate ways to change the zoning. *Mr. Heydt* stated that other avenues were discussed with the applicant, including seeking an Area in Need of Redevelopment designation, but believed asking for a use variance was the proper path.

Public Comments:

- *Kevin Malanga*, 57 Ridge Road; asked to have the Zoning Map brought back up and asked where storage units would be permitted. *Mr. Heydt* believed there were three, and pointed them out. *Mr. Malanga* asked about the philosophy of putting storage units in industrial areas. *Mr. Heydt* stated that though historically this was the norm, storage units have become more retail. *Mr. Malanga* asked about a specific point in the report referencing “open space.” *Mr. Heydt* stated that he meant buffering.
- *Manuel Lin*, 938 Pleasant Valley Way; asked about the effect on residential property prices. *Mr. Heydt* stated this was discussed. *Chairman Neuer* responded to multiple similar questions; this question goes beyond the scope of the direct testimony.
- *Darrin Tobia*, 24 Columbia Street, asked if CubeSmart ever needed a variance elsewhere. *Mr. Heydt* stated he was not aware. *Chairman Neuer* asked for there to be a question rather than a statement. *Mr. Tobia* asked about whether the steep slope limitations were specific to be next to a body of water. *Mr. Heydt* responded in the negative. *Mr. Tobia* asked about the strategy for storage was to build in urban areas. *Mr. Heydt* stated that he is not aware of such.
- *Joseph Vena*, 34 Stone Drive, asked whether the proposed plan will create synergy with adjoining businesses. *Mr. Heydt* answered in the affirmative.

- *Joyce Rudin*, 38 Woodland Avenue; asked if this building could have an adaptive re-use if the business fails. *Mr. Heydt* believes there could be adaptive re-use. *Ms. Rudin* asked how could there be adequate light and air with two stories underground and false windows above-ground.

Mr. Heydt replied that this was not what he was testifying to, but more about setbacks and building placement. *Ms. Rudin* asked about flammable solvents in the proposed roof materials.

Mr. Heydt stated he was not aware of that, but that the materials are recyclable and sustainable.

End of public questions.

Mr. Heydt's testimony concluded.

Public Comments:

All members of public sworn under oath before giving testimony..

Joseph Vena, 34 Stone Drive

Loren Svetvilas, 699 Prospect Avenue

Manuel Lim, 938 Pleasant Valley Way

Chairman Neuer announced that public comment and testimony would continue at the next meeting for this application which will be April 15, 2021. No further notice is required.

The meeting was adjourned by *Chairman Neuer* at 11:27 PM

Adopted:


Diana L. Chandler, Board Secretary