

**TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING**

July 15, 2021

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on July 15, 2021 commencing 8:00PM utilizing the virtual Zoom platform.

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

Philip D. Neuer, Bart Quentzel, Jonathan Redwine, Irv Schwarzbaum, William Steinhart, M. Sussman, M. Straker, and Alice Weiss

ABSENT:

Jerome Eben (excused)

ALSO PRESENT:

Paul Grygiel, Acting Planning Director for the Township

John Hess, Acting Engineer for the Township

Alice Beirne, Esq., Board Attorney

Diana L Chandler, Acting Board Secretary

ANNOUNCEMENTS

- *Chairman Neuer* offered well wishes for a speedy recovery to *Mr. Jerome Eben* as he has been having medical issues as of late and that it is *Mr. Eben's* every intention to be a part of the August meeting.

Meetings: August 19, 2021 (regular) (Virtual)

September 23, 2021 (regular) (In discussions to resume live meetings)

October 21, 2021 (regular)

- Application **ZB 20-16 PS Atlantic Coast LLC** was scheduled to be heard at the July 15, 2021 meeting, they have requested for a Special Meeting to be scheduled in September.

MINUTES

Adopt: April 15, 2021 Meeting Minutes

Motion: Chairman P. Neuer

Second: Mr. W. Steinhart

4/15/2021 Minutes (ADOPTED)

Eben:	-	Straker:(Alt. 4)	-
Quentzel: (Alt. 1):	Y	Sussman: (Alt. 3)	Y
Redwine:	Y	Weiss:	Y
Ricci:	Y	Chairman Neuer:	Y
Schwarzbaum:	Y		
Steinhart:	Y		

NOTES:

SWEARING IN

- Township Professionals, *Paul Grygiel Acting Planner* and *John Hess Acting Engineer* were sworn under oath by *Ms. Beirne, Esq.*

RESOLUTIONS

1) ZB -21-09/ Simeus

(Approved 6/17/2021)

Block: 153.15; Lot 3; Zone R-6

4 Blackburne Terrace

Seeking C1 & C2 variances to add six (6) feet privacy fence to rear of yard.

Motion: Chairman P. Neuer

Second: Mr. W. Steinhart

ADOPTED

Eben:	-	Straker: (Alt. 4)	-
Quentzel: (Alt. 1):	-	Sussman: (Alt. 3)	Y
Redwine:	-	Weiss:	-
Ricci:	Y	Chairman Neuer:	Y
Schwarzbaum:	-		
Steinhart:	Y		

2) ZB 21-10/ LaGanke**(Approved 6/17/2021)****Block: 1; Lot: 1.14; Zone:****532 Hillside Terrace**

Seeking C1 & C2 variances to add six (6) feet privacy fence to rear of yard.

Motion: Chairman P. Neuer**Second:** Mr. W. Steinhart**ADOPTED**

Eben: -	Straker: (Alt. 4) -
Quentzel: (Alt. 1): -	Sussman: (Alt. 3) Y
Redwine: -	Weiss: -
Ricci: Y	Chairman Neuer: Y
Schwarzbaum: -	
Steinhart: Y	

H. APPLICATIONS**1. ZB 21-11/ Reu****(Carried from 6/17/2021)****Block: 1; Lot: 2; Zone:****236 South Valley Road**

Seeking C1 & C2 variances to add six (6) feet privacy fence to rear of yard.

PRESENTATION

- *Mr. Scott Reu, Applicant* was sworn under oath.
- *Chairman Neuer* referenced previous survey from prior meeting (June 17, 2021) where *Mr. Scott Reu* admitted that he was unaware of fence being in the middle of the driveway. The new submitted survey shows changes made according to their advisement.
- *Mr. Scott Reu* reiterated testimony, regarding the necessity of the six (6) foot fence from previous meeting and referenced the anomaly in the ordinance in regards to a 6-foot fence.

BOARD QUESTIONS

- *Mr. Peter Ricci* asked, if he was leaving part of the are unfenced; *Mr. Scott Reu* answered yes. .
- *Mr. Irv Schwarzbaum* asked how high the fence was going to be; *Mr. Reu* said 6 feet.

PROFESSIONALS QUESTIONS

- *Mr. Paul Grygiel* asked what the materials are being used; *Mr. Scott Reu* answered that they are going to be a "Cedar Board on Board".
- No Questions from *Mr. John Hess*.

NO PUBLIC QUESTIONS OR PUBLIC COMMENTS

PUBLIC HEARING CLOSED

Motion: Chairman P. Neuer

Second: Mr. I. Schwarzbaum

Condition: *Chairman P. Neuer* wanted it confirmed to be Cedar Board on Board materials.

Eben: -	Straker: (Alt. 4) Y
Quentzel: (Alt. 1): Y	Sussman: (Alt. 3)
Redwine: -	Weiss: -
Ricci:	Chairman Neuer: Y
Schwarzbaum: ABSENT FROM MTG BUT GOT AFFIDAVIT (Y)	
Steinhart: Y	

2. ZB -21-15 Hutton Ave

7 Hutton Avenue

Block 78.01; Lot 1; Zone OB-1

Seeking "d" and "c" variances to convert portion of office building to residential use

PRESENTATION

- *Mr. Savino Russinello Esq., Attorney for the Applicant* entered on the record.
- Application is asking for permission of convert part of office building to residential use
- *Mr. Anthony Marucci* entered on the record was sworn under oath. Mr. Marucci detailed his credentials and was accepted by the Board as a Planner and Engineer.
- Mr. Marucci said that the applicant is requesting approvals to renovate an existing building and convert the use of a portion of the building to residential use. The parking lot also requires restriping in the parking lot and handicapping main idea of plan and is asking for mixed use capabilities.
- According to the Planner's Report, it mentioned the special reasons to allow mixed use. There is no change cosmetically. Handicapped use will be enhanced. The existing light and open air plan will be maintained.

- Mr. Marucci responses to *Mr. Paul Grygiel's* report, and believes provided enough evidence to grant.
- Responses to *Mr. John Hess'* report and submit plans and waiver granted for sustainability check list. Restrictions were noted.
- In regards to garbage and how it is taken care of. *Mr. Anthony Marucci* said that there is no garbage as size and amount of tenants and it is hidden from the public.
- *Mr. Marucci* mentioned COAH and *Mr. P. Grygiel* said that he would report back with numbers etc.
- In regards to loading space, this property never had on the property. So waiver is requested. The only deliveries they receive are FedEx, Amazon, etc. at the curb.
- The lighting will have no change from office and stays consistent with residential.

BOARD QUESTIONS

- *Chairman Neuer* asked if this application was filed with the Essex County Board. *Mr. Anthony Marucci* answered no but sure they can get a letter of disinterest.
- *Mr. Bart Quentzel* asked about the Ingress/Egress for fire and safety issues. *Mr. Marucci* answered that the building is close to the curb and that validates it.
- *Mr. Bart Quentzel* asked why the different request for a change; *Mr. Marucci* deferred to the Architect.
- *Mr. I. Schwarzbaum* asked why seeking mixed use instead of all residential or all offices. *Mr. Marucci* answered that he wants to maintain space for existing office but will defer to *Mr. Hendricks* (Property Owner).
- *Mr. Peter Ricci* asked for the purpose of the existing garage on the premises. *Mr. Marucci* said it is used as storage but deferred to owner for confirmation.

PROFESSIONALS QUESTIONS

- *Mr. John Hess* asked if the alignment of the existing walkway is being removed and if there are plans to replace with a walkway. *Mr. Marucci* answered in the affirmative.
- *Mr. John Hess* asked if parking will be assigned for residential. *Mr. Marucci* said that he cannot confirm but it is in the plans for the residents.
- *Mr. Paul Grygiel* informed that this property is below COAH Town wide Ordinance.
- *Mr. Paul Grygiel* asked if this is a single unit permitted use. *Mr. Marucci* answered in the affirmative.
- *Mr. Paul Grygiel* asked if the garage is utilized by tenants. *Mr. Marucci* answered that it is used infrequently but as storage. But deferred to owner.
- *Mr. Paul Grygiel* asked about a sidewalk ramp as it appears to not be shown in the parking lot drawings. *Mr. Marucci* said that the plans are in alignment

NO PUBLIC QUESTIONS

Mr. Marucci's testimony concluded.

-
- *Mr. Mark Hendricks*, Applicant entered on the record and was sworn under oath.. He then testified about the difficulty having tenants due to the COVID-19 Pandemic.
 - The Garage and storm door open into the building for the offices only.

BOARD QUESTIONS

- *Mr. Peter Ricci* asked if the garage has electric and plumbing. *Mr. Marucci* replied yes there's electric, but no plumbing.
- *Mr. Ricci* followed up by asking if this has a possible use for a small apartment. *Mr. Hendricks* replied no.
- *Mr. Peter Ricci* asked if the building would be resided; *Mr. Hendricks* stated that he is unsure, but eventually vinyl siding will be used on the building.
- *Mr. I. Schwarzbaum* asked if they could increase parking by removing files and are files stored in the garage. If so, can they be moved to increase parking? *Mr. Hendricks* answered that right now the intent is to keep the garage as storage.

BREAK 9:10-9:22PM

NO PUBLIC QUESTIONS

Mr. Hendricks' testimony concluded.

-*Mr. Tomasz Bona*, Architect entered the record and was sworn under oath *detailed professional credentials and was accepted* expert in the field of Architecture by the Board.

- *Mr. Bona* detailed Architectural Plans that were submitted with the application were displayed and explained on architectural level with handicap access/ mixed use for building and the layout with Google Image included as well.

BOARD QUESTIONS

-*Chairman Neuer* asked about the replacement of siding. *Mr. Bona* stated that the siding will match.

- *Chairman Neuer* asked about the sprinkler systems. *Mr. Bona* said that according to code there are no extras needed.

-*Mr. I. Schwarzbaum* asked about the entrance for residents versus office use. *Mr. Bona* said that there is no connectivity and would enter a separate entrance for residents and the offices' personnel.

PROFESSIONAL QUESTIONS

-*Mr. John Hess* asked if the parking and entrance would make more sense to relocate; *Mr. Bona* stated they would take another look at it.

- *Mr. Paul Grygiel* asked for confirmation on the incorrect labeling on plans that they would all be corrected. *Mr. Bona* stated that they will be adjusted.

NO PUBLIC QUESTIONS

DISCUSSION

-Chairman Neuer asked how Mr. Hendricks intends to repair concrete. Mr. Hendricks stated that he intends to patch holes, seal coating, and restripe.

NO PUBLIC COMMENT

Chairman Neuer made a motion to approve application with the following conditions:

- Re-siding with vinyl
- Checklist waiver granted; no loading space waiver granted;
- No obligation for COAH
- Garage will only be a storage shed
- Cracked pavement fixed
- Asphalt replaced
- Sidewalk on the Eastside replaced
- Plans with revised drawings provided 10 days prior to the August 19, 2021 meeting.
- Tenant parking spaces shown in the plans.

Motion: Chairman Neuer

Second: Mrs. A. Weiss

APPROVED

Eben: ABSENT	Straker: (Alt. 4)
Quentzel: (Alt. 1): Y	Sussman: (Alt. 3)
Redwine: Y	Weiss: Y
Ricci: Y	Chairman Neuer: Y
Schwarzbaum: Y	
Steinhart: Y	

3. ZB -21-04/ CSH Development LLC

(Carried from 6/10/2021)

Block: 152.22; Lot 1; Zone B-2

609 Eagle Rock Avenue

Seeking a C2 Variance (50' Buffer from adjoining residential use or district; and 3 loading docks) and a D Variance assisted living facility.

EXHIBITS:

- LA1- Dated January 22, 2021 (Exhibit A-1 Existing Conditions Exhibit)

PRESENTATION

- *Mr. Robert Podvey, Esq.*, Attorney for the Applicant entered on the record.
- *Chairman Neuer* made an announcement as a reminder to all Board members not to post on Social Media about applications.
- *Mr. Podvey* reiterated his previous testimony from the June 10, 2021 meeting. He also reminded the Board that permits can't be applied for until approval from the Zoning Board occurs.
- *Mr. Mark Kuberski, Architect for the applicant*, continued his testimony under oath.

BOARD QUESTIONS

- *Chairman Neuer* asked about solar panels; if they are a part of the redesign. *Mr. Kuberski* stated yes; that they are in the design. Are in the middle of being completed for most of the roof.
- *Chairman Neuer* asked if charging stations for vehicles are in the redesign. *Mr. Kuberski* answered in the affirmative.

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

Mr. Kuberski testimony concluded.

-*Mr. Dan Sehnal* continued his testimony under oath. Detailed his notes in regards to Notes from June 10, 2021 meeting.

- *Chairman Neuer* questioned the height of the walls. *Mr. Sehnal* answered 8 feet. It was noted that *Mr. Grygiel* stated that the variance would be required. *Mr. Podvey* requested an Amendment to the application and was granted per *Chairman Neuer*.

- *Chairman Neuer* asked who can use the charging facilities. *Mr. Sehnal* stated that employees and possibly guests.

BOARD QUESTIONS

- Mrs. A. Weiss* asked if the changes were communicated with the neighbors or is this the first time, they are seeing changes. *Mr. Sehnal* responded that it is the first time they are seeing it. But they can check with the owner for dialogue.
- *Mr. Peter Ricci* asked about what the occurrence of a generator cycle on a maintenance schedule is. *Mr. Sehnal* answered that it's approximately once a month during daytime hours.
- *Mr. I. Schwarzbaum* asked if the applicant did acquire additional space would it result in a redesign. *Mr. Podvey* answered in the negative because the three lots would be kept as open space with no additional space needed.
- *Mr. I. Schwarzbaum* asked if this will comply with the ordinance regarding parking spaces. *Mr. Sehnal* answered that 51 parking spaces are required, but this would be better addressed by the Traffic/Parking Expert.

PROFESSIONAL QUESTIONS

- Mr. Paul Grygiel* asked if the parking numbers change. *Mr. Sehnal* answered in the negative stating that it is just a swap of spaces and areas
- Mr. John Hess* asked if the plans are being updated for the property being acquired. *Mr. Podvey* answered not at this time and upon approval will deal at that time.

PUBLIC QUESTIONS

- Mr. Ron Weston (42 Whitbay Drive)* asked if it was possible to "land bank" open space for parking; *Chairman Neuer* advised *Mr. Weston* to wait for the Traffic Engineer's testimony.

PUBLIC QUESTION CLOSED

-*Mr. Sehnal's* testimony concluded.

- *Mr. James Largenstein*, Landscape Architect for the Applicant was sworn under oath and was accepted as an expert in Landscape Architecture.
- *Mr. Largenstein* detailed where the landscaping was being replaced due to deer damage. LA1- Dated January 22, 2021 (Exhibit A-1 Existing Conditions Exhibit) where the landscaping was needing to come down due to deer damage. He also explained that the plantings in the Right of way were in the process of replacement.
- *Mr. Largenstein* stated that box woods, honey maple, shade tress and low flowering shrubs will also be replaced and provide shading also showed LA1- Dated June 18, 2021 for a description of plans and types of trees which are to be replaced because of damage and parking ordinances to protect screening from residents near and residents of Senior housing as per *Mr. Robert Podvey* tree removal application will be paid for when this application is approved.

BOARD QUESTIONS

-Mr. I. Schwarzbaum asked how many trees are being removed and replaced. Mr. Largenstein could not give an answer due to technological issues.

- Mr. Peter Ricci asked in reference to the nearest part of the walkway, what is the intent. Mr. Largenstein responded that the preferential property is to keep tenants on the grounds and show seating of the pergola.

-Mr. Ricci followed up by asking if all walkways will be connected to properties if this this happens. Mr. Largenstein said that he can't answer that right now.

DISCUSSION

- *Application ZB 21-04 CSH is carried to August 19, 2021 Regular Meeting.*

4. ZB 21-12 Sanchez-Nunez /35 Llewellyn Avenue

35 Llewellyn Avenue

Block: 113.02; Lot: 112

Applicant is requesting a C1 Variance with an exceptional situation for a waiver to garage construction.

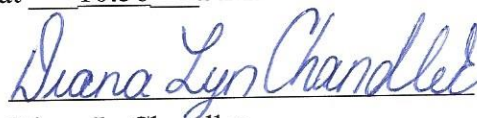
NOTES: Chairman P. Neuer advised Ms. Sanchez-Nunez that she would not be heard and her application is being carried to the August 19, 2021 meeting. Instructed Diana L. Chandler, Acting Secretary to send continuance form in order for this to take place.

PUBLIC HEARING CLOSED

ADJOURNMENT

The meeting was adjourned by Chairman P. Neuer at 10:56 P.M.

Adopted: 3/24/22



Diana L. Chandler

Acting Board Secretary