

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

August 19, 2021

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on August 19, 2021 commencing 8:00PM utilizing the virtual Zoom platform.

Vice Chairman Irv Schwarzbaum called the meeting to order at approximately 8:00PM. 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."

Vice Chairman Irv Schwarzbaum asked everyone to stand for the Pledge of Allegiance. *Alice Beirne, Esq.*, Board Attorney read the opening statement.

PRESENT

Jerome Eben, Bart Quentzel, Jonathan Redwine, Peter Ricci,
Irv Schwarzbaum, William Steinhart, Dr. Michael Straker, M. Sussman, Alice Weiss

ABSENT

Chairman Philip D. Neuer (excused)

ALSO PRESENT:

- Elizabeth Leheny (Proxy for Paul Grygiel, Acting Planning Director for the Township)
- David Barry, (Proxy for John Hess, Acting Engineer for the Township)
- Alice Beirne, Esq., Board Attorney
- Diana L Chandler, Acting Board Secretary

ANNOUNCEMENTS

Future Meetings: September 9, 2021 (special)
September 23, 2021 (regular)
October 21, 2021 (regular)
November 18, 2021 (regular)

- Application **ZB 20-16 PS Atlantic Coast LLC** was scheduled to be heard at this meeting. It is being carried to a **Special Meeting** scheduled for **September 9, 2021**.
- Application **ZB 21-13 Panorama LLC Chit Chat Diner** was scheduled to be heard at this meeting. It is being carried to the **Regular Meeting** scheduled for **September 23, 2021**.

SWEARING IN

- Township Professionals, *Elizabeth Leheny, Acting Planning Director* for the Township, and *David Barry, Acting Engineer* for the Township were sworn under oath.

RESOLUTIONS

1. ZB 21-11/ Reu

(Approved 7/15/2021)

Block: 1; Lot: 2; Zone:

236 South Valley Road

Seeking "c" variance for fence in front yard on through lot.

Motion: Mr. William Steinhart

Second: Mr. Jonathan Redwine

ADOPTED

Eben: -	Straker:(Alt. 4)
Quentzel: (Alt. 1): Y	Sussman: (Alt. 3)
Redwine: Y	Weiss: Y
Ricci: Y	Chairman Neuer: -
Schwarzbaum: Y	
Steinhart: Y	Yes: 6

NOTES:

2. ZB 21-15 Hutton Ave

(Approved 7/15/2021)

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.

Motion: Mrs. Alice Weiss

Second: Mr. William Steinhart

ADOPTED

Eben: -	Straker:(Alt. 4) -
Quentzel: (Alt. 1): Y	Sussman: (Alt. 3) -
Redwine: Y	Weiss: Y
Ricci: Y	Chairman Neuer: -
Schwarzbaum: Y	
Steinhart: Y	Yes: 6

NOTES:

APPLICATIONS

1. ZB 21-12 Sanchez-Nunez /35 Llewellyn Avenue (Carried from 7/15/2021 Meeting) 35 Llewellyn Avenue

Block: 113.02; Lot: 112

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

PRESENTATION

- *Ms. Yamilet Sanchez-Nunez*, Applicant, entered on the record and was sworn under oath.
- *Ms. Sanchez-Nunez* stated that the purpose of her application is not to have to rebuild her garage even though the Ordinance says that it is required. Because of the narrowness of driveway, would much rather have a shed. No car can even fit in her opinion in the driveway.

BOARD QUESTIONS/DISCUSSION

- *Mr. Peter Ricci* asked who ordered applicant to appear. *Ms. Sanchez Nunez* said that the Township of West Orange would not allow them to get Certificate of Continued Occupancy unless the condition of a Zoning Board application/appearance was made.
- *Mr. Ricci* asked if a car cannot access unless using the adjacent property. *Ms. Sanchez Nunez* answered in the affirmative.
- *Mr. Jerry Eben* quoted the ordinance but clarified that to not have to build garage as the variance.
- *Mr. William Steinhart* asked how this is possible as a requirement.
- *Mr. Jonathan Redwine* said that he's not sure this is the forum to rule against not doing a particular action.
- *Mrs. Alice Weiss* said that this is obviously a hardship and doesn't see how anyone cannot feel differently.

NO PROFESSIONAL QUESTIONS

NO PUBLIC QUESTIONS/COMMENT

Motion: Mr. Peter Ricci
Second: Mr. Jerry Eben
APPROVED

Eben:	Y	Straker:(Alt. 4)
Quentzel: (Alt. 1):	Y	Sussman: (Alt. 3)
Redwine:	Y	Weiss: Y
Ricci:	Y	Chairman Neuer: -
Schwarzbaum:	Y	
Steinhart:	Y	Yes: 7 Absent: 1

2. ZB 21-05 / Tamay

(Carried from 6/17/2021 Meeting)

Block: 125.02; Lot: 100

60 Cherry Street

Seeking "c" variances to construct an addition to a single-family residence

PRESENTATION

- *Mr. Ernesto Tamay, applicant, was sworn under oath.*
- *Mr. Larry Cirangle, Architect for the Applicant, appeared on record, and was sworn under oath. Mr. Cirangle detailed his credentials and was accepted by the Board as a Professional Architect.*
- *Mr. Cirangle explained that the main point of this application is for a one-story porch to be enclosed partially for the benefit of the living room and an extension of a bedroom.*

BOARD QUESTIONS

- *Mr. Peter Ricci asked if this is a one family or a two-family home. Mr. Cirangle answered that it is a one family.*
- *Mr. Peter Ricci asked if the intention of application was to keep as one family. Mr. Cirangle answered in the affirmative that it is just to modify the home.*
- *Mr. Peter Ricci asked if the three (3) bedrooms in house are to remain. Mr. Cirangle answered in the affirmative.*
- *Mr. Peter Ricci asked if the porch would be any larger, change the footprint of property and would the new addition effect the roofline? Mr. Cirangle answered all these questions in the negative.*
- *Vice Chair Schwarzbaum asked if the applicant lives at the house. Mr. Cirangle answered in the affirmative.*
- *Mr. Jonathan Redwine referred to the pictures/renderings that were submitted with the application and asked where the staircases will go. Mr. Cirangle answered that the first one goes to the entry door of the house and the other one goes to the attic.*

- *Mr. Jerry Eben* referred to the title block on the plans and asked why there are two different names attached to application. *Mr. Cirangle* answered that *Ms. Carolina Suarez* of *Suarez Designs* is the Principal of this project and was hired by the applicant. He said that he is the expert for the application through *Ms. Suarez's* company.
- *Mr. Jerry Eben* asked where does the post fall on the foundation plan. *Mr. Cirangle* referenced the plans on screen.
- *Mr. Peter Ricci* said that the title block must come off as only one Architect can be on plans. Since *Ms. Suarez* is not an Architect, she should not be on them. *Mr. Cirangle* said that he can do that.
- *Vice Chair Schwarzbaum* asked if these are the final drawings. *Mr. Cirangle* said no.

PROFESSIONAL QUESTIONS

- *Mr. David Barry* had no questions.
- *Ms. Elizabeth Leheny* asked if the building and lot coverage is increasing *Mr. Cirangle* said that when walls are moved, building and lot coverage are "the same with just a different outcome" *Ms. Leheny* made sure that *Mr. Cirangle* was aware that it must be the same.

NO PUBLIC QUESTIONS/COMMENT

Motion: Vice Chairman Schwarzbaum

Second: Mrs. Alice Weiss

APPROVED

Eben:	NO	Straker:(Alt. 4)	-
Quentzel: (Alt. 1):	Y	Sussman: (Alt. 3)	-
Redwine:	Y	Weiss:	-
Ricci:	Y	Chairman Neuer:	-
Schwarzbaum:	Y		
Steinhart:	Y	Yes: 5 No: 1	

NOTES: Plans with title block fixed must be submitted at least 10 days prior to September 23, 2021 Regular Zoning Board Meeting.

3. ZB-20-14/E&J Masonry Supply Inc.

(Carried from 6/17/2021 Meeting)

Block: 2; Lot: 43.01 & 50; Zone: R-T

15-19 Meeker Street

Seeking a "d" and "c" variances major site plan approval.

PRESENTATION

- *Mr. Richard Schkolnick, Esq., Attorney for the Applicant*, entered on the record and gave a recap on previous testimony.
- *Mr. Skolnick* advised that the title block will be cleaned up for this application.
- *Mr. Dan Reeves*, Engineer for the Applicant, was sworn under oath. (In previous meeting, *Mr. Reeves* was recognized as expert in the field Engineering)
- *Mr. Dan Reeves* said since their last appearance, New Jersey Department of Environmental Protection (NJDEP) verification was received and approved. The change in flood elevation has increased. There was an 800 square foot patio and further landscape added as per recommendation by the Board. Some of the specifics recommended were: turning movement for the roll off truck was demonstrated, bib hose is proposed to be installed and 30 Juniper trees are proposed for the property line on the perimeter.

BOARD QUESTIONS

- *Mr. Jerry Eben* said that previously *Mr. Paul Grygiel* asked for Condenser Unit on split plan, *Mr. Eben* asked where it is located on the plans. *Mr. Schkolnick* said that information is not in his notes but that the applicants will comply.
- *Vice Chairman Schwarzbaum* asked if they are going to lose parking to the turnaround dumpster. *Mr. Dan Reeves* responded in the affirmative.
- *Mr. Jerry Eben* asked if there is another way than lifting pavement/retaining wall. *Mr. Reeves* said no because the site is subject to flooding and the plan must remain as is.

PROFESSIONAL QUESTIONS

- *Ms. Elizabeth Leheny* had no questions.
- *Mr. David Barry* asked if the applicant supplied a turn plan and asked for clarification on size of containers. *Mr. Reeves* answered that the turn plan has been submitted with a range of 20 yards and the size of the containers are three (3)-yard dumpsters with a 15 feet wheel base.
- *Mr. David Barry* wanted it on the record that he has agreed to the improved grading plan and that these better displays the area in front of the handicapped ramp.

PUBLIC QUESTIONS/COMMENT

- *Mr. Michael Keigher (30 Central Place)* asked how much higher the building will go. *Mr. Reeves* deferred question to the Architect.
- *Ms. Beret Erway (24 Meeker Street)* asked if the parking stalls inside the fence means that people won't be parking on street. *Mr. Reeves* answered in the affirmative that it's the intention of the site and application.

- *Mr. Charles Plavesky (24 Central Place)* asked about fire suppression system, drainage system of floor/building, amount of roll offs during the day and sound lessening. *Mr. Reeves* deferred all of these questions to the Architect.
- **APPLICATION ZB 20-14 E&J Masonry CARRIED TO OCTOBER 21, 2021
REGULAR MEETING**

No further questions for *Mr. Reeves*.

BREAK 9:36PM- 9:46PM

- **4. ZB -21-04/ CSH Development LLC** (Carried from 7/15/2021)
Block: 152.22; Lot 1; Zone B-2
609 Eagle Rock Avenue
Seeking "c" and "d" variances for development of an assisted living facility.

- **Exhibits discussed:**
 - **Exhibit EX-1 Existing Trees dated 8/14/2021**
 - **Exhibit EX-2 Plan dated 8/14/2021 (biggest thing not compliant with leisure trees or preserved trees; 116 trees would be planted and new tree removal plan would need to be submitted upon application approval)**

PRESENTATION

- *Mr. Robert Podvey, Attorney for the Applicant*, entered on the record with an update to the application with a new 200-foot list to include the new acquired parcels.
- *Mr. Jim Langenstein, Landscape Architect for the applicant* entered on the record (still under oath from previous testimony) and gave updates on meeting with West Orange Forester on the condition of trees; he was in agreement on the East side of the property that the trees are not worth saving stating that, "We can do better than what is existing there."

BOARD QUESTIONS

- *Mrs. Alice Weiss* expressed her concern for the larger trees (zigzag on the submitted plans as an example). *Mr. Langenstein* answered that those trees don't belong to applicant.
- *Mr. Jonathan Redwine* asked about impervious coverage on the space. *Mr. Langenstein* asked to defer that question to the Engineer but does not believe that it has changed.
- *Mr. Peter Ricci* asked in regards to visibility on the West side of the property and negative visibility. *Mr. Podvey* testified saying that visibility ends in October and client would like to commit to green space.
- *Mr. Ricci* followed up this answer by stating that the Board is, "Wasting time by discussing trees because they are dealing with hypotheticals". *Mrs. Weiss* responded that she disagrees with *Vice Chairman Schwarzbaum* and *Mr. Ricci*, and that she's happy to vote on this.

- *Mr. Bart Quentzel* asked about the “wavy line” on the plans. *Mr. Langenstein* answered that they are the additional Evergreen shrubs.

PROFESSIONAL QUESTIONS/COMMENTS

- *Ms. Elizabeth Leheny* had no questions.
- *Mr. David Barry* said that applicant is “overreaching on code” to benefit neighbors, while benefitting property communication as well.

NO PUBLIC QUESTIONS

Mr. Langenstein testimony concluded.

- *Vice Chairman Schwarzbaum* asked *Mr. Podvey* for information on the piece of additional property under contract (i.e., timing, what is being predicted, etc.) *Mr. Podvey* said that the feasibility study ends October 12, 2021 as the key date of determination on whether to proceed towards a closure.
- *Mr. David Shopshire, Traffic Engineer and Planner for the Applicant*, was sworn under oath. He detailed his credentials and was accepted by the Board as an expert in Traffic Engineering and Planning. *Mr. Shopshire* said that the data was collected and analyzed to see what’s happening and pending. He opined that there is nothing to see out of the dormancy of the site.
- Responses to the Site Plan Review Advisory Board (SPRAB) meeting on July 13, 2021, were that with the sight distance and speed of Eagle Rock Avenue, to talk to County in advance of Horizontal and Vertical curbing. The initial counts with the impact of COVID on this research was done in November of 2020. Parking for this application is standard for developments.

BOARD QUESTIONS/DISCUSSION

- *Vice Chairman Schwarzbaum* asked what the peak hour of traffic is; *Mr. Shopshire* answered that it is before 7:00AM and a shift change takes place for the staff.
- *Vice Chairman Schwarzbaum* asked how many beds are on the property; *Mr. Shopshire* answered 100 beds.
- *Vice Chairman Schwarzbaum* asked how many beds are for memory care; *Mr. Shopshire* responded that he is unsure.
- *Vice Chairman Schwarzbaum* asked what the ratio of patients to employees is; *Mr. Shopshire* responded that he is unsure.
- *Vice Chairman Schwarzbaum* asked if school was in session during the traffic study dates; *Mr. Shopshire* responded in the affirmative.
- *Mrs. Alice Weiss* wanted to let the Board know that she personally lives near a Senior living/housing and traffic is minimal.
- *Mr. Jonathan Redwine* asked if the traffic is consistent with an assisted living facility. *Mr. Shopshire* responded in the affirmative.

- *Mr. Bart Quentzel* asked if there is only one entrance/exit. *Mr. Shopshire* replied yes and said that there is no need for an alternative access for emergencies and daily basis.
- *Vice Chairman Schwarzbaum* asked if people coming into this property will be able to make a left-hand turn; *Mr. Shopshire* answered yes.

NO PROFESSIONAL QUESTIONS/COMMENTS

NO PUBLIC QUESTIONS

APPLICATION CARRIED TO OCTOBER 21, 2021 REGULAR MEETING

ADJOURNMENT

The meeting was adjourned by *Vice Chairman Irv Schwarzbaum* at 11:02 P.M.

Adopted: 3/24/22



Diana L. Chandler

Acting Board Secretary