

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT SPECIAL MEETING

September 9, 2021

8:00 P.M.

The West Orange Zoning Board of Adjustment held a meeting on September 9, 2021 commencing 8:00PM utilizing the virtual Zoom platform.

Chairman Neuer called the meeting to order at approximately 8:09 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.

Kenneth D. McPherson III Esq., read the opening statement.

Present:

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

Absent:

Jerome Eben (excused absence), William Steinhart (recused/excused),
Alice Weiss (excused absence)

Also Present: Paul Grygiel, Acting Planning Director for Township

John Hess, Consulting Engineer for the Township

Kenneth D. McPherson III, Esq. Board Attorney (Proxy for Alice Beirne, Esq.)

Diana L. Chandler, Acting Board Secretary

ANNOUNCEMENTS

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

SWEARING IN

- *Mr. John Hess*, Consulting Engineer and *Mr. Paul Grygiel*, Acting Planning Director were sworn under oath by *Mr. Kenneth D. McPherson III, Esq.*

APPLICATIONS

1. ZB-20-16/PS Atlantic Coast, LLC (Carried from 7/15/2021, 8/19/2021 Meeting)

Block: 111; Lot: 1.08; Zone: B-2

424 Eagle Rock Avenue

Prelim. & Final Site Plan Approval w/variances to construct a storage unit facility.

EXHIBITS

- **Site Aerial Fig-01 (Exhibit A1) Dated 9/9/2021**

PRESENTATION

- *Ms. Lisa John-Basta, Esq. Attorney for the Applicant*, entered on the record for the applicant.
- *Chairman Neuer* asked for the following Amendments to be made to the application:
 - He suggested that *Ms. John-Basta* submit an OPRA request to confirm there are no prior applications for this property that have appeared before the Board.
 - Owner signature appears but Applicant's doesn't. *Ms. John-Basta* vocally confirmed to a continuance.
 - *Chairman Neuer* referenced *Mr. Hess'* email with *Mr. Lepore* regarding information about a utility pole that should be dealt with. *Ms. John-Basta* confirmed receipt of email prior to this meeting.
 - *Ms. Spero's* tree removal letter (Dated May 18, 2021) needs a response.
- *Ms. John-Basta* said that the applicant intends to demolish and replace the existing structure with a non-conforming use with upgrades to site and storm water use.
- *Mr. Matthew Neuls, Civil Engineer/Senior Project Manager for the application.* entered on record and was sworn under oath. He detailed his credentials and was accepted as an expert in the field of Professional Engineering.
- *Mr. Neuls* referred to the **Site Aerial Fig-01 (Exhibit A1) dated 9/9/2021** and gave context on how site currently exists surrounded by asphalt.
- *Mr. Neuls* referenced plans submitted on 9/24/2020 with 64 angled parking spaces. (Parking is anticipated in the front and side yard. Applicant wants to retain it from the prior use.) This property is in the B2 General Business District. Self-use is permitted and is, in the opinion of *Mr. Neuls*, the sole reason for appearing this evening.
- *Mr. Neuls* referenced Site Plans Sheet C301 (Dated August 26, 2021). He stated that this is the location that is being proposed and smaller in size. Sign setback will be "20 square feet or less" which will be below the ordinance requirement of 50 ft.

- Eagle Rock Bowling Alley is being demolished and there is an architect that will be sharing that particular testimony.
- *Mr. Neuls* advised that there will be a gate for the clients to drive in along with a 10x20 loading space (10 ft x 20ft for clients to be able to get out materials)
- It was advised by *Mr. Neuls* that the garbage container will be utilized for office use only and Garbage Truck/Fire Truck turning templates were modeled.
- *Mr. Neuls* is willing to work with West Orange Fire Department on gate approval. "The Building will comply with the setback and side yard."
- Building coverage is reduced by 34.6% and is in compliance to a 76% with asphalt coverage.
- *Mr. Neuls* referenced Landscape Plan Sheet L-601 (Dated March 26, 2021) which shows that there will be landscaping in the perimeter (especially North and East) of the property in question. He stated that for every ten (10) parking spaces, one tree will be planted. CME response for seven additional trees is not being accepted because applicant wants to maintain and not add. A waiver variance is requested.
 - There is a buffer of 50 feet from residential district to the Eastern side of property.
- Steep Slope Plan shows the disturbance to slopes on site. Applicant intends to shave down from the top to allow circulation to help put in place to protect area. Southwestern side of the site is in stable condition and will remain so.
 - *Chairman Neuer* mentioned that no geotechnical report was provided. *Mr. Neuls* said that the work was not completed yet. *Chairman Neuer* reminded *Mr. Neuls* that in not doing this, the applicant is not in compliance with the Town Engineer. *Ms. John-Basta* said that there is a report and it will be provided.
- Lighting Plan for this property is proposed to be a variety of lighting fixtures to shine down as opposed to out. The existing parking area will be using Cobra lighting fixtures.
- In regards to September 9, 2021 email regarding the utility pole, an easement and electric service around Crystal Lake (applicant agreed to comply)
- According to *Mr. Neuls*, Crystal Lake is not classified as a "Flood Hazard" after evaluation and restriction.

BREAK 9:12PM-9:20PM

BOARD QUESTIONS

- *Chairman Neuer* asked for the number of units and why it was not provided until appearing before this Board. *Mr. Neuls* responded that he's unsure and it is part of the architectural testimony.
- *Chairman* also asked in regards to Crystal Lake has anyone been in touch with *Mr. Leonard Lepore*, Municipal Engineer. *Mr. Neuls* responded that they did reach out but they were unable to connect with *Mr. Lepore*.

- *Chairman Neuer* asked what the purpose was for parking at the stem. *Ms. John-Basta* answered that they must maintain and lease other parking from vendors and township. *Chairman* said there is no parking in the flag area required to use space.
- *Chairman Neuer* shared that he was the attorney for the Crystal Lake application when the lake was deemed as being an atrophic lake (no oxygen) and the goal was to revitalize which it was. According to *Chairman*, the town is anxious to provide the requested walking path and asked *Ms. John-Basta* to bring back to her client *Mr. Neul*'s calculations of the Flag lot not being used (21, 000 square feet as per *Mr. Neul*'s rough calculations)
- *Chairman Neuer* stated that if the applicant limits the height to 2 stories, a height variance will not be necessary. (*Mr. Nuel* said that, "One floor less would be 1/3 of the building.")
- *Chairman* asked how deliveries would be handled. *Mr. Nuel* said he assumes one of the front spaces in the office area will be utilized for deliveries.
- *Chairman* asked how they intend to handle "outflow". *Mr. Nuel* said that it will go to area offsite.
- *Chairman Neuer* also asked how they intend to handle employee parking. *Mr. Nuel* said the intention is to utilize the lot in the front.
- *Chairman Neuer* said the Fire and Water Service line was not submitted and 25 +26 Lighting in the parking spaces foot candle level is insufficient.
- *Mr. I. Schwarzbaum* asked about the flag portion of parking/ownership and whether it was leased. *Ms. John-Basta* answered that Public Storage will own it but will have license agreement for parking.
- *Mr. Schwarzbaum* asked about the buffer on the side setback (requirement of 50 and 27 feet and 11 feet is proposed; if the size of the building is cut back they would be able to comply.) *Mr. Neul* said that these are all possible. *Mr. Schwarzbaum* said that this would possibly solve the steep slope issue. *Mr. Nuel* said that this is also possible.
- *Mr. Schwarzbaum* asked why the applicant cannot comply with regards to the lighting; *Mr. Nuel* said that it was designed in mind with the "National Standard".
- *Mr. Schwarzbaum* asked if in regard to the 60-yard spaces, what is the reason for not putting in additional landscaping. Is it purely economic? *Mr. Nuel* said that no other construction is proposed.
- *Mr. Schwarzbaum* asked if stormwater was sufficient or would Crystal Lake overflow? *Mr. Nuel* said based on the 100-Year Storm Review, it is not likely.
- *Mr. Ricci* asked that since the property is adjacent to the lake and proposed to be removed, would this applicant be using the opportunity to provide additional landscaping for a buffer. *Mr. Nuel* said that landscaping has been provided previously and is creating buffer. *Mr. Nuel* offered to revise the drawings. *Ms. John-Basta* said they would need to speak to Town about an easement in regards to Verizon being next door.
- *Mr. Ricci* followed up by asking if parking and striping stayed the same as it is currently existing, "Wouldn't it be kind of silly to not propose what's really there," if they had asphalt remain would be a "waste of time". *Mr. Neul* answered the he was unsure how to answer from an Engineering standpoint.
- *Mr. Bart Quentzel* referenced the setback reduction of impervious coverage and asked if it is to make it better or is it to look better? *Mr. Neul* deferred to the architect.

PROFESSIONAL QUESTIONS

- *Mr. John Hess* asked about the pavement encroaching the adjacent property. *Ms. John-Basta* responded that they are willing to grant an easement for parking spaces.
- *Mr. Hess* also asked if the environmental report was submitted to Board and to CME. *Mr. Neul* answered in the affirmative.
- No questions from *Mr. Paul Grygiel*.

It was at this time Chairman Neuer announced that Mr. Harvey Grossman, Esq. will no longer be acting as the Public Advocate. Candidates for position are being interviewed now.

NO PUBLIC QUESTIONS

DISCUSSION

- *Ms. John-Basta* wanted to be sure that it was clarified that the setback deviations meet with code requirements.

PRESENTATION

- *Mr. John O'Brien*, Architect for the applicant, entered on the record and was sworn under oath. He submitted his credentials and was accepted as an expert in the field of Architecture by the Board.
- *Mr. O'Brien* detailed the Interior layout of the first-floor plan and number of the storage units (1,059 units) were displayed with a description and where office is located (i.e.; Upper Northwest of plans) with a remainder of space storage with two on first floor alone. Two lobbies are on the second floor. (Predominantly storage with one restroom and two elevators). "Third sheet is similar except for it having a few more units."
- *Mr. O'Brien* detailed the Exterior (red trim on top exterior) with fake doors in the windows to improve the appearance. He stated that the height of the building will require a variance in dead center of the building for "Architectural Interest". There would be one sign for the project off the main road and not very visible from road.

BOARD QUESTIONS

- *Chairman Neuer* asked if *Mr. O'Brien* has visited the site. *Mr. O'Brien* answered in the negative, but is familiar with the site and plans on visiting it.
- *Chairman Neuer* followed up by asking who drew up the plans submitted. *Mr. O'Brien* said that they were people who work under him but he looked at the plans with the project architect.
- *Chairman Neuer* asked for the reasoning behind not being able to meet the two and a half (2 ½) floor requirement and if this is a proforma for Public Storage. *Mr. O'Brien* stated that, in his opinion, if there were only 2 ½ floors, the building would look funny and yes this is part of their proforma. *Chairman* asked for clarification to see if it was possible for this to be two stories. *Mr. O'Brien* said that it is possible but wants to consult with client.

- *Chairman Neuer* asked what the procedure is for waterproofing the building. *Mr. O'Brien* said that it would not be necessary to waterproof.
- *Mr. Peter Ricci* asked about the roof plan and the rooftop unit because he does not see it on the plan. *Mr. O'Brien* said that those plans have not been drawn yet. *Mr. Ricci* followed up by saying that there is usually not a rooftop plan.

Chairman Neuer asked for it to be put on the record that Mr. O'Brien is on the phone with someone during his testimony.

- During this questioning *Ms. John-Basta* asked the Board if she could return at a later date with someone better versed with the plans.
- *Mr. I. Schwarzbaum* asked how a renter would come into the building. *Mr. O'Brien* said they would park in the lot.
- *Mr. Schwarzbaum* said it appears that the roof slopes and asked for clarification on whether the height will be the same as the rear. *Mr. O'Brien* said that there is no slope in the back. The western wall is 34.6 and, in the middle, it drops a quarter ($\frac{1}{4}$) of a foot.

Mr. O'Brien was on phone with Senior Project manager Lorelei Mewhirter and Ms. John-Basta tried to see if she could qualify Ms. Mewhirter as an informational witness since she does not have a NJ Architecture License. Chairman Neuer denied this request.

NO PROFESSIONAL QUESTIONS

NO PUBLIC QUESTIONS

PRESENTATION

- *Mr. Jarrod Yates*, Public Storage Regional Vice President of Development, entered on the record and was sworn under oath.
- *Mr. Yates* stated that he was involved in the selection of the site and is aware of ZB 19-10 Pleasant Valley Way. He stated that there is a need for self-storage in subject site; net trade capital "drive time"
- *Mr. Yates* stated that the hours of operation will be for customers from 6:00AM - 9:00PM during the week and 10:00AM – 6:00PM on weekend. For the office it will be Monday through Friday from 9:30AM -6:00PM.
- *Mr. Yates* stated that there will be more employees as the building opens; he said that the employees will park further from the building to leave room for customers.
- Customers will gain access through codes and will actively be only able to use for those floors.
- Size of the building can be shrunk because the only extension is in the office but can be reduced to 35.6 feet.

BOARD QUESTIONS

- *Chairman Neuer* asked about video monitoring. *Mr. Yates* answered that after hours monitoring will be recording but in person during the day. *Chairman* followed up his questions with asking if they have been in touch with *Chief Abbot* at the West Orange Police Department. *Mr. Yates* answered in the negative but said that they can do that.
- *Chairman Neuer* asked *Mr. Yates* about the reasoning for the two and a half (2 ½) story maximum criteria for the building. *Mr. Yates* answered that physically, yes, it is capable but Public Storage would not allow it. The reason being that the development would not be financially then worth it.
- *Chairman Neuer* asked about parking where *Mr. Yates* explained that there is a license agreement stipulation for Public Storage to buy the property.
- *Chairman Neuer* asked when the building is anticipated to be full. *Mr. Yates* said according to research, at most 36 months but believes 18-24 months it should be full.
- *Chairman Neuer* asked about the length and reduction of the building. *Mr. Yates* testified to saying he does not want to comment on the measurements at this time on the record.
- *Mr. Schwarzbach* asked what the procedure is to keep hazardous materials out of this storage center. *Mr. Yates* said that it is stipulated in the lease agreement.
- *Mr. Jonathan Redwine* asked about the process to familiarize themselves with the site of Crystal Lake and the use properties in that area for community involvement. *Mr. Yates* said the reason being a storage unit is because of it being a small site with small impact.
- *Mr. Redwine* followed up by saying that understanding what community is missing if in analysis a loss added into that figuration. *Mr. Yates* said that the Eagle Rock Bowling Alley was condemned but is a community benefit since it is small in size and nature.
- *Mr. Mark Sussman* asked that since *Mr. Yates* was involved in site selection, for him to explain the license agreement for parking. *Mr. Yates* said that parking on the northwestern side of the building just made sense. In response to this *Chairman Neuer* asked for a copy of licensing agreement for parking.
- *Dr. Michael Straker* asked in regards to the comment about 36 months of the property being full and what evidence *Mr. Yates* has that it will fill up faster. *Mr. Yates* explained that the true fill up happens between 18-24 months after opening based on historical data. At 36 months is when it has solidified as a service/property.

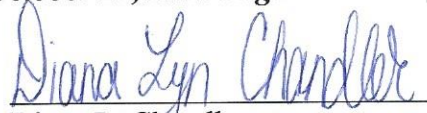
NO PROFESSIONAL QUESTIONS

NO PUBLIC QUESTIONS

Application ZB 20-16 PS Atlantic Coast is carried to October 21, 2021 Regular Meeting.

Chairman Neuer Adjourned Meeting at 11:09 PM.

Minutes Adopted: 3/24/22


Diana L. Chandler
Acting Zoning Board Secretary