

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING
October 28, 2021
8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on October 28, 2021 commencing 8:00PM utilizing the virtual Zoom platform.

Chairman Phillip Neuer 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."

Chairman Phillip 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, Dr. Michael Straker, Mark. Sussman

ABSENT

Alice Weiss (Excused), William Steinhart (Recused/Excused)

ALSO PRESENT

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

ANNOUNCEMENTS

Meetings: November 18, 2021 (regular)
December 16, 2021 (regular)

SWEARING IN

Township Professional(s) *Mr. David Barry* (as proxy for *Mr. John Hess*), Consulting Engineer for the Township) and *Mr. Paul Grygiel*, Planner for the Township were sworn under oath.

APPLICATIONS

1. ZB-20-16/PS Atlantic Coast, LLC (Carried from 7/15/2021, 8/19/2021, 9/9/2021 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

- **EXHIBIT A1 (Site AERIAL)**

PRESENTATION

- *Ms. Lisa John-Basta, Esq.* entered on the record, summarized details from September 9, 2021 Special Meeting
- *Mr. Matthew Neuls* entered on the record and was sworn in by *Ms. Alice Beirne*. *Mr. Neuls* proceeded to go through differences between plans from September 9, 2021 meeting and October 28, 2021 meeting.
 - o Site Plans with an October 14, 2021 revision date, had a difference that part of agreement of flag portion of lot will take away striping for parking, there are two parallel parking spaces for public access to Crystal Lake, and on Sheet L601 of the Landscaping Plan (between property line around Crystal Lake) a buffer to create planting area based on standards.
- *Mr. Neuls* said that part of the agreement of flag portion of lot will take away striping for parking. *Mr. Neuls* cited sheet L601 of Landscaping Plans (between property line around Crystal Lake) where they will create planting area based on buffer standards.
- *Mr. Neuls* also stated that with new plans they intend to convert pavement for emergency vehicles with a permeable asphalt.
- *Mr. Neuls* testified in regards to Site Lighting. That a nighttime study was performed with present conditions on September 16, 2021 and were consistent to what exists presently. The lighting levels on light fixtures on west side on where the three (3) on the eastern side were off. He did not prepare a Geotechnical Report but can speak in regard. In regards to the buffer, gave a summation of previous testimony. **EXHIBIT A1 (Site AERIAL)** was referenced to show Southwestern Line.
- In regards to the Steep Slopes plan C410 of Site Plan to remove some of rock and would not destabilize slope (as this would be taking from the top)

PROFESSIONAL QUESTIONS

- *Mr. David Barry* said that there was no formal correspondence in regard to this new submission.
- No Questions from *Mr. Paul Grygiel*.
- According to *Mr. David Barry*, the September 21, 2021 letter from CME stated clay pipe to manhole and there was no design presently with materials needed to be provided. *Mr. Neuls* said that it was a PVC pipe if replacement was required. The September 21, 2021 letter referenced a sprinkler system and at the time of this meeting they have not received anything about a dedicated sprinkler system. *Mr. Neuls* said that there are six (6) inches of water service and there was no time to show on these plans. They will be included in the Final Site Plans.
- *Mr. David Barry* said that he is satisfied with lighting and geotechnical not being dealt with in depth. *Ms. John-Basta* said that there will be a meeting with *Mr. John Hess* and *Mr. Leonard Lepore* to close out items. A letter will be provided/needed to follow up afterwards.

BOARD QUESTIONS

- *Mr. Irv. Schwarzbaum* asked if there would only be one side striped. *Mr. Neuls* answered in the affirmative.
- *Mr. Schwarzbaum* followed up by asking if the flag pole area would be paved. *Mr. Neuls* answered in the affirmative.
- *Mr. Schwarzbaum* asked if there was a possibility to add two (2) spaces to enhance landscaping. *Mr. Neuls* said that it is miniscule with intention to use flag pole for commercial use.

There was a discussion about parking between Ms. John-Basta and Chairman Neuer that if 33 spaces remain, to possibly have that as a condition of approval for the application.

- *Mr. Bart Quentzel* asked about the curb on parking area and asks about how to keep track of the adjoining area. *Ms. John-Basta* said Verizon will have an easement or will remove its encroachment.
- *Chairman Neuer* made a comment in regards to the overflow to the lake. He is concerned about the water quality. *Mr. Neuls* said that reducing 20% of vehicle surface in the new plan with pollution additionally with the pavement will add to water quality.
- *Chairman Neuer* also asked about the difference between footprint size between original and new. (According to *Mr. Neuls*, it is 40,830 new and 25, 343 for the original)
- *Mr. Redwine* asked if the pavement will be replacing the impervious coverage. *Mr. Neuls* said that it would all be new and coarse. Does not believe that it will look different and it is commonly used.
- *Mr. Redwine* followed up by asking if the water will soak into the soil. *Mr. Neuls* answered in the affirmative but added that it would be an extra measure.
- *Mr. Redwine* asked what the impact be on the water under the pavement. *Mr. Neuls* said that there would be no impact at all.
- *Mr. Redwine* also asked about the integrity of the slopes on the southwestern corner and behind the building. *Mr. Neuls* said that there is no disturbance but exposed rock in the area and put in for a geotechnical review.
- *Mr. Peter Ricci* commented that he would have liked better effort for landscaping (atleast in the preliminary). Old street lights won't look as nice and what the reasons were behind for no new lighting? He also is disappointed in striping removal and asphalt. *Ms. John-Basta* said that the applicant will work on meeting the standards. *Chairman Neuer* said that is not acceptable. *Mr. Ricci* said the size of the building is an issue. At the September 9, 2021 meeting, it was optimistic. It was said that reduction in size was a possibility with no change seen in revised plans.
- *Mr. Jerome Eben* asked why there was nothing parked under the office building. *Mr. Neuls* said maybe there's construction.

- *Mr. Eben* followed up by asking about a temporary agreement, that taking striping away is wrong in his opinion. He also opined that the site in question is a complete mess with piles of garbage/debris rolling down.
- *Chairman Neuer* and *Mr. Eben* said applicant needs to take care of the property.
- *Mr. Eben* said that the sprinkler is not in the right direction and asked *Mr. Neuls* what his response is to this information. *Mr. Neuls* answered that he is aware that it is not right and that he alerted the West Orange Fire Department.
- *Mr. Eben* asked about flooding and rocks in that vicinity. *Mr. Neuls* said that they both will run through the catch basin.

PUBLIC ADVOCATE

- *Mr. Sarabraj Thapar* asked about the size of the 19 spaces on the southwestern side. *Mr. Neuls* said that they are 10x20 to be used by clients.
- *Mr. Thapar* asked if a U-Haul could be used on those premises. *Mr. Neuls* answered in the affirmative.
- *Mr. Thapar* asked about the number of entrances. *Mr. Neuls* answered that there is one main entrance for tenants.
- *Mr. Thapar* asked how many visitors Crystal Lake gets. *Mr. Neuls* said that he cannot answer that.
- *Mr. Thapar* asked why only two (2) spaces. *Mr. Neuls* said the reason is to easily access path (location) but the Architect should answer.
- *Mr. Thapar* asked who owns the southwestern border with the buffer. *Mr. Neuls* answered that the Township of West Orange owns it.
- *Mr. Thapar* asked about the southeastern side. *Mr. Neuls* answered that he believes Crown View owns that side.

PUBLIC QUESTIONS

- *Ms. Joyce Rudin (38 Woodland Avenue)* asked about the current condition of driveway. *Mr. Neuls* said that it is an asphalt pavement with deterioration (not new based on observation).
- *Ms. Rudin* also asked why they chose to use permille pavement. *Mr. Neuls* said that adding this will make it work as if its not imperviable coverage. She followed up by asking if they would reconsider. *Mr. Neuls* said that it is a possibility.
- *Ms. Rudin* asked about the rock area in the woods and if *Mr. Neuls* is aware of the flooding/runoff. *Mr. Neuls* answered in the affirmative and that there is some back off.
- *Mr. Amer Himmi (41 Moore Terrace)* asked about the crosswalk and where public access will be. *Mr. Neuls* said that it is not currently part of the application, but can evaluate it if need be.
- *Mr. Himmi* asked if there is curb cut there. *Mr. Neuls* said that he doesn't believe there is a formal one.
- *Mr. Kevin Malanga (57 Ridge Road)* asked about the tree removal isolated to the southwestern corner of the site and how many dimensions would need to be taken care of to not have to cut trees or disturb the slope. *Mr. Neuls* said that he is unsure.
- *Mr. Malanga* followed up by asking where this (the proposed construction) is in regard to the Ridge line. *Mr. Neuls* said that it is on the east side of the proposed building maybe 20-30 feet.
- *Mr. Malanga* followed up by asking if the Township Natural Features Ordinance is it in line with this application. *Mr. Neuls* said no and requested a variance.

- *Mr. Malanga* asked about the water quality plan and if it's essential. *Mr. Neuls* answered in the negative. When *Mr. Malanga* asked for a reason, *Mr. Neuls* said that it was only for more than a quarter mile size.

BREAK 9:40-9:45PM (during with *Mr. Neuls* will do figures based on *Mr. Malanga's* question)

- *Mel Valdez (16 Elm Street)* asked about standing water and how to propose to deal with it. *Mr. Neuls* said that this was answered previously.

PRESENTATION

- *Mr. Charles Dietz, Architect for the Applicant* was sworn under oath, credentials were given, and was accepted by the Board as an expert in the field of Architecture.
- It was revealed that the plans were not linked on the agenda.
- *Mr. Jarrod Yates, Vice President of PS Atlantic Coast* was previously sworn in at the September 9, 2021 meeting. *Mr. Yates* testified saying that a 15-16,500 square feet reduction would be required of the building size as its seen today and wanted to ask for financial ramifications if notch. They are willing to use as a condition. *Mr. Yates* said that they are willing/trying to make changes that they can change (control).

BOARD QUESTIONS

- *Mr. I. Schwarzbaum* asked about the reduction possibility to reduce floors. *Mr. Yates* said that there is no desire to reduce number of floors.
- *Mr. Schwarzbaum* asked about the economics based on purchase price, construction costs, or the projected rental rate with the capitalization rate. *Mr. Yates* said that there are no fixed numbers.

DISCUSSION

- *Mr. Yates* agreed to eliminate steep slope with bulk of the building
- *Ms. John-Basta* and *Mr. Yates* requested to adjourn to discuss the possibility of the building coming down to two (2) floors.

- Application ZB 20-16 PS Atlantic Coast was adjourned to the December 16, 2021 Regular meeting (no further notice required) and extension sheet will be sent to *Ms. John Basta & Ms. Tardanico*.

Meeting Adjourned by Chairman Neuer at 10:10P.M.

Adopted: 3/24/22



**Diana L. Chandler
Acting Board Secretary**