

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

January 20, 2022

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on January 20, 2022 commencing 8:00PM utilizing the virtual Zoom platform.

Chairman Phillip D. Neuer called the meeting to order at approximately 8:02PM. 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 (8:02 PM Arrival), Jonathan Redwine, Irv Schwarzbaum, Dr. Michael Straker, Mark Sussman, Alice Weiss

Absent: Peter Ricci

Also Present:

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

ANNOUNCEMENTS

- Future Meetings: February 17, 2022 (regular)
March 24, 2022 (regular)
April 28, 2022 (regular)
- *Chairman Neuer* announced that application **ZB 21-01/M. Vega Investments LLC** is being carried to the **February 17, 2022 Regular Meeting**. No further notice required.

MINUTES

- *Chairman Neuer* said that the outstanding 2021 Minutes will be on the February 17, 2022 Regular Meeting's Agenda for vote.

ANNUAL REORGANIZATION

- **Chairperson**
- *Chairman Neuer* handed the chair over to *Mr. Schwarzbaum*, Vice Chairman of the Board for nominations for Chairperson. *Mr. Schwarzbaum* asked for nominations for Zoning Board Chair.
- *Mr. Philip Neuer* was nominated by *Mrs. Alice Weiss*. There were no other nominations for Chair.

Motion: A. Weiss

Second: M. Sussman

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

Note: After *Mr. Neuer* was elected to the Chair position, *Mr. Schwarzbaum* gave *Mr. Neuer* back the chair.

- **Vice Chairperson**
- *Chairman Neuer* nominated *Mr. Schwarzbaum*. There were no other nominations for Vice-Chair.

Motion: Chairman Neuer

Second: A. Weiss

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

- **SPRAB Representative**

- *Chairman Neuer* nominated *Mr. Schwarzbaum* as the Site Plan Review Advisory Board's Planning Board Representative. There were no other nominations/volunteers. *Mr. Schwarzbaum* accepted.

- **SPRAB Alternate**

- *Mr. Schwarzbaum* nominated *Chairman Neuer* as the Site Plan Review Advisory Board's Planning Board Alternate Representative. There were no other nominations/volunteers. *Chairman Neuer* accepted.

- **Board Attorney**

- *Chairman Neuer* nominated *Ms. Alice Beirne* as Planning Board Attorney.

Motion: Chairman Neuer

Second: J. Redwine

- **APPROVED all to none.**

- **Secretary**

- *Chairman Neuer* nominated *Ms. Diana L. Chandler* as the Board Secretary.

Motion: Chairman Neuer

Second: I. Schwarzbaum

- **APPROVED all to none.**

SWEARING IN

- Township Professional(s) *Mr. Paul Grygiel* and *Mr. John Hess* were sworn under oath.
- *Mr. Bart Quentzel* (Alt.1) was sworn under oath due to his reappointment to the Zoning Board for the 2022-2023 Calendar year.
- *Mr. Mark Sussman* (Board Member) was sworn under oath due to his appointment to the Zoning Board for the 2022-2023 Calendar year.

RESOLUTIONS

● ZB 21-13 Panorama LLC – Chit Chat Diner (Approved at 12/16/2021 Meeting)

410 Eagle Rock Avenue

Block 109 & 111; Lots 1.01 & 1.05

Applicant proposes to add rear deck to existing restaurant with an Amended Site Plan and C1 and C2 variances.

Motion: I. Schwarzbaum

Second: M. Sussman

Eben:	-	Straker:(Alt. 4)	-
Quentzel: (Alt. 1):	Y	Sussman:	Y
Redwine:	Y	Weiss:	Y
Ricci:	-	Chairman Neuer:	-
Schwarzbaum:	Y		
		Yes: 5	

● ZB 21-20 Gurrieri/9 Lowell Avenue

(Approved at 12/16/2021 Meeting)

9 Lowell Avenue

Block: 46; Lot: 6; Zone: R-5

Seeking “c” variances for already constructed improvements.

Motion: Chairman Neuer

Second: I. Schwarzbaum

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

APPLICATIONS

- 1. ZB-20-14/E&J Masonry Supply Inc. (Carried from 8/19/2021 Meeting)**
Block: 2; Lot: 43.01 & 50; Zone: R-T
15-19 Meeker Street
Seeking “d” and “c” variances and major site plan approval.

Presentation

- *Mr. Richard Schkolnick* reappeared on the record for the applicant with a recap on previous testimony from April 15, 2021, June 17, 2021, and August 19, 2021 meetings’ testimony.
- *Chairman Neuer* asked about NJDEP approval and *Mr. Schkolnick* said that he will send documentation to *Ms. Chandler* for record.
- *Chairman Neuer* reminded *Mr. Schkolnick* about the conditions based on previous testimony. 1) Regarding to the hours of operation being 7:30AM-4:30P.M. *Mr. Schkolnick* said client confirmed acceptance of this condition. 2) Cinderblocks will be stored inside and not outside. *Mr. Schkolnick* said they are agreeable on that as well.
- *Mr. Schkolnick* reminded the public that this application is to clean up and enhance this site. His clients agreed to do a noise study with storing trucks on the property with no retail activity.
 - Noise study is being proposed to occur afterwards to confirm that noise is not happening after the construction. (*Chairman Neuer* questioned as to why post operation. He would like it to happen as a condition prior to the issuance of a Certificate of Occupancy. *Chairman Neuer* then advised that a noise study needs to be functional.)
 - *Chairman Neuer* asked about the pre-demolition study and when will it be completed. *Mr. Schkolnick* said it is going to take place to establish if there are any preexisting issue to address the concerns of *Mr. and Mrs. Plavesky* in regards to the slab on the property.
- *Mr. Larry Cirangle*, Architect for the Applicant was sworn under oath and credentials were accepted by the Board.
 - *Mr. Cirangle* gave brief summary based on the plans submitted.
 - *Mr. Cirangle* confirmed that the goal of this application is to update/utilize this space which is in poor condition and drainage by bringing their operational materials inside as opposed to keeping them outside to be exposed to the elements. All additions to the plans submitted are improvements in terms of site drainage and acoustics.
- *Mr. Cirangle* presented Architectural Plans (Revision Date- September 2, 2021), where he emphasized numerous times that the point of this design is to bring all materials currently outdoors, inside.

- In A-1 the proposed new building; raising of the roof in order to store equipment. The building's facade will have new windows and stucco.
- In A-3 shows the detail for the retaining wall area.

Board Questions

- *Chairman Neuer* asked for confirmation that there was going to be no use of repairs on site. *Mr. Schkolnick* answered in the affirmative.
- *Mr. I. Schwarzbaum* asked about the noise and how to classify the amount of noise currently on the premises. *Mr. Cirangle* said that he is not an acoustic expert but compared it to low level noise because of using a truck not a fork lift etc. *Mr. Schwarzbaum* asked about the percentage acoustic panels would actually help. *Mr. Cirangle* said that less than 50% of the sound would exist.
- *Mr. Jerome Eben* asked about the landscaping and if they were demolishing the shed as to not pollute the Rahway River further with debris from the site. *Mr. Cirangle* said it was part of the plans and initial concept.

Public Questions

- *Mr. Kevin Malanga (57 Ridge Road)* asked about the materials' storage. *Mr. Cirangle* said that materials would be stored in dividers or "hoppers" and truck load. *Mr. Malanga* asked how these materials are going to be loaded to which *Mr. Cirangle* responded that this question would be better suited for the applicant/owner. *Mr. Malanga* asked about no front-end loading condition to which *Mr. Cirangle* responded tentatively in the affirmative but said that this question should be asked of the client/applicant. *Mr. Malanga* asked about the type of ventilation being utilized for this structure. *Mr. Cirangle* responded that an exhaust fan is going to be utilized. *Mr. Malanga* questioned the filtration system. *Mr. Cirangle* said that the trucks would not be running inside to which *Chairman Neuer* stated that it could be a condition that vehicles are not allowed to idle indoors. *Mr. Schkolnick* approved to the condition.
- *Mr. Michael Kreigher (30 Central Place)* asked about the benefits of a raised roof. *Mr. Cirangle* said that going this way for example would not block the sunlight due to the eight feet buffer and change. *Mr. Kreigher* asked about the comment on moving the materials closer to home. *Mr. Cirangle* said that by converting the building into doing their activities inside, the noise will be "muffled". For his final question, *Mr. Kreigher* asked how the materials are planning on being loaded. To which *Mr. Cirangle* responded that the Applicant should be able to answer.
- *Mr. Jack Stadlander (20 Meeker Street)* asked what the impact the new building would have on a flood because of it being a new building. *Mr. Cirangle* said that the Engineer would be best to answer. *Mr. Stadlander* asked about the larger building and whether it is just for the truck movement. *Mr. Cirangle* answered that the parking lot will be for maneuvering with no dumping outside.
- *Mr. Charles and Mrs. Darlene Plavesky (24 Central Place)* asked about the wall on the western side of the property and if all eight feet of it will be moved. *Mr. Cirangle*

said that the wall will only be moved partially in recess with new finishes and a new portion of roof. *Mr. Plavescky* asked how the construction is going to occur. *Mr. Cirangle* responded that there would be no access to outside property and it will be necessary to go from inside to out. *Mr. Plavescky* asked about the type of fire suppression system being utilized to which *Mr. Cirangle* responded that there is no code to this to make it necessary.

- *Mr. Beret Erway* (24 Meeker Street) asked when the construction for this application is completed, if that means no trucks will be on the street. *Mr. Cirangle* responded that this is a main component/aspect in this application.

Presentation

- *Ms. Gabrielle Gornelli*, Engineer for the Applicant appeared on the record, was sworn under oath, and credentials were accepted as a professional in the field of Engineering.
- *Ms. Gornelli* testified, stating in regard to the Storm Water, that there is no change to one impervious surface to another. In this version of the Storm Water Management plan, they are upgrading Stormwater to a pipe instead of going to pavement as of now.
- *Ms. Gornelli* confirmed that this application is in receipt of a Department of Environmental Protection permit.

Board Questions

- *Chairman Neuer* asked if this will meet New Jersey Department of Environmental Protection requirements. *Ms. Gornelli* answered in the affirmative.

No Public Questions

Presentation

- *Mr. Jose Guallpa*, Applicant and Principal of E&J Masonry entered on the record, was sworn under oath.
- *Mr. Schkolnick* and *Mr. Guallpa* discussed the plans for the property to have materials brought inside.

No Board Questions

Public Questions

- *Mr. Kevin Malanga* (57 Ridge Road) asked about the size of the dump truck on the premises. *Mr. Guallpa* said that it is 30 yards. *Mr. Malanga* asked how they plan on loading it. *Mr. Guallpa* said that they intend to load by hand.
- *Mr. Michael Kreigher* (30 Central Place) asked about the two (2) companies being run out of the site to which *Chairman Neuer* said that it is a condition to this application that there will be no deliveries for the other organization. *Mr. Kreigher* asked if the dumpsters at the end of the day will be returning full. *Mr. Guallpa*

answered in the affirmative. *Mr. Kreigher* asked if these materials will be of the hazardous nature. To which *Mr. Gualpa* answered in the negative stating that asbestos for example has to be removed by someone with a license. E&J Masonry does not have this license.

- *Mr. Charles and Mrs. Darlene Plavesky* (24 Central Place) asked how they can enforce parking. *Chairman Neuer* answered that questions of this nature should be brought up to Code Enforcement and or the West Orange Police Department. *Mr. Plavesky* asked how many trucks are inside and if any are lift trucks. *Mr. Gualpa* said there are six trucks and no lift trucks.

- ***Application ZB 20-14 E&J Masonry is carried to the February 17, 2022 Regular Meeting with no further notice required.***
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2. ZB-21-08/Main West Orange LLC (Carried from 11/18/2021)
Block: 116; Lot:53, 53.01 & 55; Zone: B-1 &R-T
257-259 Main Street
Seeking site plan approval with “d” variance to convert existing 2 attached buildings which vary in height into one 4 story building.

- ***Application ZB 21-08 Main West Orange LLC. is carried to the February 17, 2022 Regular Meeting with no further notice required.***

BREAK 9:30-9:35PM

3. ZB-20-16/PS Atlantic Coast, LLC (Carried from 10/28/2021 Meeting)
424 Eagle Rock Avenue
Block: 111; Lot: 1.08; Zone: B-2
Prelim. & Final Site Plan Approval w/variances to construct a storage unit facility

Presentation

- *Ms. Lisa John Basta Esq.* entered on the record and summarized previous testimony from the September 9, 2021, October 28, 2021, and December 16, 2021 meetings. She then confirmed that there is no license agreement from flag portion of the lot.
- *Ms. Gabrielle Gornelli* Engineer for the Applicant was sworn under oath, credentials were given and was accepted as a professional in the field of Engineering.
- **EHIBIT A3 Colorized Site Plan (Revision Date of January 7, 2022)**
 - Primary design change is striping on Eastern side; any technical change is to reflect *Mr. Hess*’ letter.
 - Including lighting levels from L701 and night time light level study done which is consistent to what is proposed.

Board Questions

- *Chairman Neuer* asked about the green area on the plans and if in her opinion is there no access for walking from an engineering perspective. *Ms. Gornelli* answered in the negative. *Chairman Neuer* also asked about the dimensions in square feet of the building. *Ms. Gornelli* said that it is 25,000 square feet.
- *Mrs. Alice Weiss* asked if there is a possibility to consolidate the parking spaces for the public to access Crystal Lake. *Ms. John-Basta* reminded Board of public parking being for the lake at Boland Drive and there's ample parking. *Mrs. Weiss* also asked about the coloring of the orange on the building and whether it is going to be muted. *Ms. Gornelli* said that the Architect should be testifying to that but removed at the recent submission.
- *Mr. I. Schwarzbaum* about at the Stem. *Ms. Gornelli* said that this is in regards to the parking particulars. *Mr. Schwarzbaum* asked what prevents use from public parking. *Ms. Gornelli* said that they would not be able to get striping without reappearing before the Board. *Mr. I. Schwarzbaum* referred to this application as a "Con Job" where after approval will prove to be something other than what appears presently. *Ms. John-Basta* said that she disagrees and would definitely come back for authority for the amended site plan. *Mr. Schwarzbaum* asked about plantings/real landscaping to prevent parking. *Chairman Neuer* confirmed that he wants enforcement by West Orange Police Department to go into effect on these premises.
- *Mr. Mark Sussman* asked for confirmation on the square feet of the building. *Ms. Gornelli* said that the proposed building is 35,000 square feet. Presently, this building is 25,000 square feet.
- *Mr. Jerome Eben* asked about the parking lot plan with regard to the existing deciduous trees and would those be destroyed and replaced. *Ms. Gornelli* said that she is unsure. *Mr. Eben* also asked about the 82 cars parking illegally in that lot and were for the building next door as they are under construction. *Ms. John-Basta* replied that she is unsure who is parking there. There is no agreement but can ask for enforcement to take place.
- *Mr. Jonathan Redwine* asked about the analysis of the projected energy usage and if that has occurred. *Ms. Gornelli* said that she is unsure. *Mr. Redwine* also asked about renewable resources on the roof. *Ms. John-Basta* confirmed that the client will put solar panels on the roof. It was at this time the request for a revised roof plan was made.

Public Questions

- *Mr. Darren Tobia (24 Columbia Street)* asked for a comparison between ZB 19-10, 955 Pleasant Valley Way, in regards to the residential nature of the design and why it is not the same for this application. *Chairman Neuer* responded to this stating that each application is different. *Mr. Tobia* then asked in regards to the Steep Slope Ordinance would the applicant be willing to table this until that

Ordinance has gone through. To which *Ms. John-Basta* responded that this application will be using the current Ordinance only.

- *Mr. Kevin Malanga (57 Ridge Road)* stated that the building has jog on the roofline and asked for confirmation in regards to that. *Ms. Gornelli* said that she could measure it. *Mr. Malanga* followed up by stating that if this “jog” was removed would that prevent the trees from being removed. *Ms. Gornelli* responded that there are no trees on that section of the slope and a vehicle analysis would have to occur.

Presentation

- *Ms. Rianna Kirchhof*, Traffic Engineer for the Applicant was sworn under oath and was accepted as an expert in the field of Traffic Engineering.
- *Ms. Kirchhof* explained the Traffic Report Conclusions dated July of 2021) in detail.

Board Questions

- *Mr. I. Schwarzbaum* asked about the number of trips. *Ms. Kirchhof* said that there were 153 trips in 24 hours (ten in the morning peak, 16 in the afternoon peak, and 127 in the off hours peak) *Mr. Schwarzbaum* asked about the units in the new building. *Ms. Kirchhof* did not have that information but *Ms. John-Basta* said that there were 951 units on the plans.
- *Chairman Neuer* asked when the location was the bowling alley does she know the number of trips. *Ms. Kirchhof* said that there were approximately 300 per day.
- *Mr. Schwarzbaum* asked about the number of trips per unit. *Ms. Kirchhof* said that is not on. *Mr. Schwarzbaum* asked about the consistency and wants to understand the square feet of the property. *Ms. Kirchhof* said that it is based on the gross feet of the trip. *Mr. Schwarzbaum* asked about the correlation between trip and floor area to which *Ms. Kirchhof* said that they comply with all New Jersey Department of Transportation information on a national level.
- *Mr. Jonathan Redwine* said that the permitted uses for this zone is storage where else in the Ordinance is this? *Ms. Kirchhof* said that it is the Industrial Unit. *Mr. Redwine* asked if an improved traffic pattern would be better. *Ms. Kirchhof* chose not to opine in regards to this question.
- *Chairman Neuer* asked what this traffic pattern is described as. *Ms. Kirchhof* said it is a full movement traffic pattern. He followed up by asking what the traffic pattern on Eagle Rock Avenue and Prospect Avenue can be described as. To which *Ms. Kirchhof* responded that it is a full movement traffic pattern with turn lanes.
- *Chairman Neuer* asked *Ms. Kirchhof* if she had visited the site. *Ms. Kirchhof* answered in the affirmative. *Chairman* followed up by asking what time of day to which *Ms. Kirchhof* responded around 3:00PM. *Chairman* asked if there were any

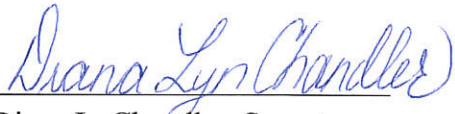
traffic counts done and if any records from the county were accessed. Ms. Kirchhof answered in the negative.

No Public Questions

- *Application ZB 20-16 PS Atlantic Coast LLC. is carried to the March 24, 2022 Regular Meeting with no further notice required.*

Chairman Neuer adjourned the meeting at 10:46 P.M.

Adopted: 3/24/22


Diana L. Chandler, Secretary