

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

**February 17, 2022**

**8:00 P.M.**

The West Orange Zoning Board of Adjustment held a regular meeting on February 17, 2022 commencing 8:00PM utilizing the virtual Zoom platform.

*Chairman Phillip D. 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 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 Schwarzbau, Dr. Michael Straker, Mark Sussman,

**Absent:** Alice Weiss (excused)

**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: March 24, 2022 (regular)  
April 28, 2022 (regular)  
May 19, 2022 (regular)
- **ZB 21-22 19 Wheatland LLC** is being carried to the **March 24, 2022 Regular Meeting.**
- **ZB 21-23 Sai Hira Ram Trust, Inc.** is adjourned to the **March 24, 2022 Regular Meeting.**
- **ZB 21-01 M Vega Investments LLC/66 Franklin Avenue** is being adjourned to the **April 28, 2022 Regular Meeting.**

## ANNUAL REPORT

**Motion:** Chairman Neuer

**Second:** Jerome Eben

|                            |          |                         |          |
|----------------------------|----------|-------------------------|----------|
| <b>Eben:</b>               | <b>Y</b> | <b>Straker:(Alt. 4)</b> | <b>Y</b> |
| <b>Quentzel: (Alt. 1):</b> | <b>Y</b> | <b>Sussman:</b>         | <b>Y</b> |
| <b>Redwine:</b>            | <b>Y</b> | <b>Weiss:</b>           | <b>-</b> |
| <b>Ricci:</b>              | <b>Y</b> | <b>Chairman Neuer:</b>  | <b>Y</b> |
| <b>Schwarzbaum:</b>        | <b>Y</b> |                         |          |
|                            |          | <b>Yes:</b>             | <b>8</b> |

## SWEARING IN

- Township Professional(s) *Mr. Paul Grygiel* and *Mr. John Hess* were sworn under oath.

## APPLICATIONS

- 1) **ZB-20-14/E&J Masonry Supply Inc.** (Carried from 1/20/22 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

- **EXHIBIT A-1 Aerial Photograph**
  - **EXHIBIT A-2 Colorized Site Plan**
  - **EXHIBIT A-3 New exhibit for dump truck**
- 
- *Mr. Richard Schkolnick Esq.* entered on the record for the applicant and gave a summary on previous testimony. He also then answered questions that were raised at the January 20, 2022 Meeting.
  - In regards to hours of operation, there will be a closing time between 5:00-5:30PM. To which *Chairman Neuer* reiterated about this being a condition.
  - *Mr. Charles Heydt*, Professional Planner, was sworn under oath and accepted as an expert.
  - *Mr. Heydt* testified saying that this property offered particular set of uses with a suitability test. He testified further stating that the property existed with mixed uses for many years and has been for at least twenty (20) years. *M.r Heydt* stated that with the modifications proposed, this will be a substantial piece of property.

## BOARD QUESTIONS

- *Chairman Neuer* asked in regards to the number of employees and if there will be enough parking spaces in total. *Mr. Heydt* said that he does not know. *Mr. Schkolnick* said that they could ask *Mr. Gualpa (Applicant)*. *Mr. Gualpa* was sworn under oath and *Mr. Schkolnick* repeated *Chairman Neuer's* question. *Mr. Gualpa* said that there are ten (10) employees, including office staff, but some take the bus or car pool so there should be plenty of parking spaces. *Mr. Heydt* said if it pleases the Board, they could place it as a condition for the application that all employees must park on site.

### **NO PROFESSIONALS' QUESTIONS**

### **NO PUBLIC ADVOCATE QUESTIONS**

### **PUBLIC QUESTIONS**

- *Mr. Kevin Malanga (57 Ridge Road)* asked if *Mr. Heydt* was present at the last meeting and heard the testimony in regards to front end loaders. To which *Mr. Heydt* answered in the affirmative and that this was discussed this evening. *Mr. Malanga* asked about skid steers but not being on pallets. *Chairman Neuer* said that it is not a proper question for this witness in which *Mr. Heydt* said that he did not know the answer to this question.
- *Mr. Charles & Ms. Darlene Plavesky (24 Central Place)* asked if there were going to be bins outside the warehouse. *Mr. Heydt* answered in the affirmative. *Mr. Plavesky* followed up asking about the noise from those bins. To which *Mr. Heydt* said that it would be in their best interest to wait until after the sound study has been conducted.

*Mr. Heydt's testimony concluded.*

### **PRESENTATION**

- *Mr. Gualpa* testified in the regards to the usage of "skid steers".

### **NO BOARD QUESTIONS**

### **NO PROFESSIONALS' QUESTIONS**

### **NO PUBLIC ADVOCATE QUESTIONS**

### **NO PUBLIC QUESTIONS**

*Mr. Gualpa testimony concluded.*

### **PUBLIC COMMENT**

- *Ms. Darlene Plavesky (24 Central Place)* was sworn under oath and wants hours set firm as presently they seem to be inflexible. She commented that maybe they should have stickers or permits for employees to keep track of employees parking on the premises and those on the street.
- In response to *Ms. Plavesky's* comments, *Mr. I. Schwarzbaum* asked for her opinion on the operating hours. In which *Ms. Plavesky* said that this application is for six (6) days a week but is in reality seven (7) so unsure how that condition will be enforceable.
- *Ms. Megan Murray (20 Meeker Street)* was sworn under oath and said that she wishes the business well but said the hours for the business is unpredictable and many trucks are left running on the street. She expressed that if this application is approved, she does not have much trust that applicants will follow through with the conditions.
- *Mr. Charles Plavesky (24 Central Place)* was sworn under oath and commented about the gutter company that was previously there. There is no precedent in West Orange in regards to this application. This building currently is an eyesore so improvements are appreciated but skeptical on the upkeep.
- In response to *Mr. Plavesky's* comments, *Mr. I. Schwarzbaum* asked for his opinion to approve or deny this application. To which *Mr. Plavesky* said that the only reason to approve would be for the building improvements otherwise he would not be in favor of this application.
- *Mr. P. Ricci* asked *Mr. Plavesky* if in his opinion the revised plans are satisfactory. *Mr. Plavesky* answered in the affirmative.

#### ***PUBLIC HEARING CLOSED***

- *Mr. Schkolnick* gave his closing remarks in summation of the application based on the experts' testimony from the meetings that took place on April 15, 2021, June 17, 2021, August 19, 2021, January 20, 2022 and February 17, 2022.

#### **Conditions if application approved. *Chairman Neuer* stated that he will not sign if these conditions are not on the plans.**

- Hours of operation are from Monday to Saturday 7:30AM- 5:45PM with no hours of operation on Sunday.
- Cinderblocks will be stored inside.
- Thirty (30) Evergreen trees will be on the plans.
- New Jersey Department of Environmental Protection (NJDEP) on the plans
- Noise study needs to be conducted prior to the issue of a Certificate of Continued Occupancy (CCO).
  - *Ms. Alice Beirne Esq, Board Attorney* asked to offer an Amendment to condition regarding Noise/Sound Study to take place ninety (90) days after site renovations are completed and is operational. To which *Chairman Neuer* agreed to Amendment.
- Pre-demolition study must be conducted.
- Only trucks on the premises will be belonging to the owner of the property.
- Roll off containers will only be at the height of 30 feet.
- No blasting is to take place on the property.
- Employees must park on site. *Chairman Neuer* opined at this time that *Ms. Plavesky's* suggestion of permit stickers, while it could work in theory is unsure how realistically it would work.
- Trucks will be parked indoors.

- No vehicle repairs are to take place on the premises. Minimal work (i.e., tires being changed) must be done with the doors closed.
- No staging and idling of trucks on street.
- Roof drains away from the neighbors.
- Outdoor façade of the building must remain consistent.
- Grass and trees must be on plans and maintained as such.

### **NO BOARD DISCUSSION**

- *Chairman Neuer* addressed applicants' need to comply or this is just the beginning if not complying to condition listed above.

**Motion:** Chairman Neuer

**Second:** Peter Ricci

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

### **BREAK 9:26-9:33 P.M.**

**2) ZB-21-08/Main West Orange LLC**

**(Carried from 1/20/22)**

**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.**

### **PRESENTATION**

- *Mr. Reginald Jenkins Esq* entered on the record and gave remarks regarding Present Llewellyn Hotel, a thirty (30) plus room rooming house. The renovations proposed are to convert existing property to a fifteen (15) unit residential property with mixed use. (Residential above and commercial below.)
- *Mr. Piero Gabucci, Architect* entered on the record, was sworn under oath and was accepted by Board as a professional.
- *Mr. Gabucci* described the existing condition (unused commercial and unused residential) for mixed uses.
- *Mr. Gabucci* said that this application proposes eight apartments and adding to back of building for egress, connect and make accessible.
- *Mr. Gabucci* referenced the submission set with rendering of proposed use (improvements) to keep the character of original building.

### **BOARD QUESTIONS**

- *Chairman Neuer* referenced the Site Plan Review Advisory Board report stating about the need for the property to be code compliant in regard to fire separation. In response to this, *Mr. Gabucci* said it is not necessarily due to the Ordinance.
- *Mr. Schwarzbaum* asked what the existing height is. In which *Mr. Gabucci* said it is 48 feet, 10 inches. *Mr. Schwarzbaum* followed up by asking about the utilization of the roof. *Mr. Gabucci* responded that the roofs of the properties will be all the same levels.
- *Mr. Ricci* asked if the building will be refaced and a new roof installed. *Mr. Gabucci* answered in the affirmative.
- *Mr. Eben* asked out of concern for the property not being taken care of and wants to see if there is a commitment to maintain property. In which *Mr. Eben* was made aware that the applicant will confirm or deny via testimony.
- *Mr. Redwine* asked about renewable energies and which ones are being used. *Mr. Gabucci* said that it has not come up in discussion as of yet.
- *Mr. Quentzel* asked about the door and egress on the plans. *Mr. Gabucci* responded that the basement, egress, and exits are on the plans.

### **PROFESSIONALS' QUESTIONS**

- No questions from *Mr. Grygiel*
- *Mr. Hess* asked who will use storage and how will it be regulated. *Mr. Gabucci* stated that the basement will be used for utilities and storage. He assumes letting residents use and divided. But that the building owner can answer that question. *Mr. Hess* addressed a discrepancy between plans in regards to the ramps and curbing. *Mr. Gabucci* said that he will look into it but at the present moment based on the plans, the stairwell will be to grade.

### **NO PUBLIC ADVOCATE QUESTIONS**

### **PUBLIC QUESTIONS**

- *Joe Krakoviak (20 Grandview Avenue)* asked if they will be joining building lots to create a safeguard. If they go this route, will they need a fire separation? To which *Mr. Gabucci* said that there is a common corridor to classify all lots being brought together. *Mr. Krakoviak* asked about parking on the premises. *Mr. Gabucci* said that question would be better suited for the traffic engineer.

***Mr. Gabucci testimony concluded.***

## PRESENTATION

### -Exhibits A-H (Pictures dated January 18, 2022 of site in different directions and perspectives.)

---

- *Mr. David Hals*, Engineer entered on the record, was sworn under oath and was accepted as an expert.
- *Mr. Hals* presented Exhibits A-H (Pictures dated January 18, 2022 of site existing in different directions and perspectives.)
- *Mr. Hals* presented the property lots noting that the electric charging stations were not on the plans.
- *Mr. Hals* referenced the landscaping improvements on the plans. They intend to add Red Maple and Juniper trees to the property to make more aesthetically pleasing.
- Draining as per *Mr. Hals*' testimony will be flowing towards Kling Street.
- As per *Mr. Jenkins*' if the applicant were to have parking on site, they would have to remove the building. *Mr. Jenkins* asked *Mr. Hals* from an engineering perspective is the signage proposed acceptable. To which *Mr. Hals* answered in the affirmative.

## BOARD QUESTIONS

- *Chairman Neuer* asked in reference to the space availability of five (5) Electric Vehicle Charging stations and *Mr. Hals* confirmed that they are "make ready spaces". *Chairman Neuer* asked for elaboration on the drainage for the property. In which *Mr. Hals* said that in reference to this the goal is to maintain present practices already in effect.
- *Mr. Peter Ricci* asked what the height of the lights in the back will be. *Mr. Hals* said ten (10) feet high. *Mr. Ricci* followed up by asking if there was a way to give this feature a more residential feel. *Mr. Hals* responded that this is the reason they chose that height; they did to stay consistent with the property's existing feature. *Mr. Ricci* then asked for confirmation that the parking in the back will be for residents of the property only. In which *Mr. Hals* confirmed.

## PROFESSIONALS' QUESTIONS

- No questions from *Mr. Paul Grygiel*.
- *Mr. John Hess* asked about the trash enclosure and pick up frequency. To which *Mr. Hals* responded that it is sized and in location for accessibility to lawn area for garbage/recycling. Pick up will be taking place once a week and will supplement where necessary if needed. *Mr. Hess* asked about the turnaround for trash emergency and recycling. To which *Mr. Hals* responded that study has not occurred yet, but planning on doing so. *Mr. Hess* asked about the sidewalk and the concrete to the right of the building and whether modifications and/or improvements will be made. *Mr. Hals* said that they can keep the same but can modify. *Mr. Hess* asked about curbing discrepancy which was addressed earlier. In which *Mr. Hals* said he would address with *Mr. Gabucci*.
- *Mr. Hess* asked about ramp to resolve level issue which seems to be an error in the plans. In which *Mr. Jenkins* said they will harmonize with those recommendations from the Board presented and will adjust on their end accordingly.
- *Mr. Hess* asked about the Air Conditioning Units on the ground. *Mr. Hals* testified saying that he is unsure of the location. In which *Mr. Hess* said that if they are on the ground floor, they need to be on the plans. *Mr. Jenkins* said that they will comply to parking on premises for residents.

## **NO PUBLIC ADVOCATE QUESTIONS**

## **PUBLIC QUESTIONS**

- *Joe Krakoviak (20 Grandview Avenue)* asked if a change for the sewer, electric, utilities, etc. were considered. *Mr. Hals* responded in the negative. *Mr. Krakoviak* asked if there was potential commercial parking considered. *Mr. Hals* said that this application is only changing old hotel space and does not believe that change questioned is necessary.

*Chairman Neuer announced that application ZB 21-08 Main West Orange LLC is carried to the March 24, 2022 Regular Meeting with no further notice required.*

## **ADJOURNMENT**

*Chairman Neuer adjourned the meeting at 10:58PM.*

Adopted: 3/24/22

  
Diana L. Chandler, Secretary