

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING
March 24, 2022
8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on March 24, 2022 commencing 8:00PM utilizing the virtual Zoom platform.

Chairman Phillip D. Neuer called the meeting to order at approximately 8:01PM. 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 please rise 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, Mark Sussman, Alice Weiss

Absent: Dr. Michael Straker and Irv Schwarzbaum both are excused absences.

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
Sarabraj S. Thapar, Public Advocate

ANNOUNCEMENTS

- Future Meetings: April 28, 2022 (regular)
May 19, 2022 (regular)
June 16, 2022 (regular)
- Application **ZB 21-22 19 Wheatland LLC/ 17 Wheatland Avenue** is being carried to the **April 28, 2022 Regular Meeting**; no further notice will be issued.

MINUTES

- *Chairman Neuer* offered his apologies for the delay of circulating minutes to the Board. The Board voted all to none on these minutes with those members who were not present at a meeting considered present but not voting.

JULY 15, 2021

Motion: Chairman Neuer

Second: A. Weiss

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

AUGUST 19, 2021

Motion: Chairman Neuer

Second: A. Weiss

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

SEPTEMBER 9, 2021 SPECIAL MEETING

Motion: Chairman Neuer

Second: A. Weiss

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

SEPTEMBER 23, 2021

Motion: Chairman Neuer

Second: A. Weiss

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

OCTOBER 21, 2021

Motion: Chairman Neuer

Second: A. Weiss

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

OCTOBER 28, 2021 SPECIAL MEETING

Motion: Chairman Neuer

Second: A. Weiss

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

NOVEMBER 18, 2021

Motion: Chairman Neuer

Second: A. Weiss

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

DECEMBER 16, 2021

Motion: Chairman Neuer

Second: A. Weiss

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

JANUARY 20, 2022

Motion: Chairman Neuer

Second: A. Weiss

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

FEBRUARY 17, 2022

Motion: Chairman Neuer

Second: A. Weiss

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

RESOLUTION

- **ZB-20-14/E&J Masonry Supply Inc.** (Approved at 2/17/2022 Meeting)
Block: 2; Lot: 43.01 & 50; Zone: R-T
15-19 Meeker Street
Seeking a “d” and “c” variances major site plan approval.

Motion: M. Sussman

Second: J. Redwine

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

SWEARING IN

- Township Professionals, *Mr. Paul Grygiel* and *Mr. John Hess*, were sworn under oath.

APPLICATIONS

- 1) **ZB-20-16/PS Atlantic Coast, LLC** (Carried from 1/20/2022 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 her appearance on the record on behalf of the application and gave a brief summary of previous testimony and changes that have taken place since last appearing before the Board.
- *Mr. Gary Dean*, Traffic Engineer, was sworn under oath, stated his professional credentials and was accepted by the Chairperson as an expert Traffic Engineer.
 - *Mr. Dean* compared the traffic of a self-storage to uses that may be permitted in the B2 Zone.
 - *Mr. Dean* offered his opinion as to the reduced amount of traffic under the proposed use.
 - *Mr. Dean* read into the record an email from *Mr. David Antonio of the Essex County Planning Board* (Dated March 23, 2022) which states, “Any opportunity to decrease traffic is well received. There were no further findings with regard to the access in as much as it presently exists”

- As per *Chairman Neuer*, it is not a statement of support from the county, simply an observation that he (*Mr. Antonio*) accepts the information that *Mr. Dean* gave to him. *Mr. Dean* confirmed that they would be seeking the outside approvals for favorable consideration.

BOARD QUESTIONS

- *Chairman Neuer* asked when the driveway was built; *Mr. Dean* said that he was unsure. *Chairman* asked for clarification to which *Mr. Dean* said that he is recognizing the presence of the driveway as it has functioned for many decades. With its present configuration, there was no need to further debate the issue given the substantial proposed traffic reduction. *Mr. Dean* does not know when the driveway was initially installed but it was well before the revisions to the intersection of Eagle Rock and Prospect Avenue were done.
- *Chairman* confirmed that *Mr. Antonio* did not authorize *Mr. Dean* to represent that Essex County supports the application *Mr. Dean* again read a portion of the email into the record.

NO PROFESSIONALS QUESTIONS

PUBLIC ADVOCATE

- *Mr. Thapar* asked if he used the same methodology for calculating the traffic as that testified to by his colleague. *Mr. Dean* answered in the affirmative and that the data was compiled on square feet and the number of storage units.

BOARD QUESTIONS FOLLOWED

PUBLIC QUESTIONS

- *Mr. Kevin Malanga* (57 Ridge Road) asked what the concerns were that *Mr. Antonio* raised. *Mr. Dean* responded that his concerns were: sight distance and gaps/breaks in traffic.
- *Mr. Malanga* asked how many reports were submitted. *Mr. Dean* said only one.
- *Mr. Malanga* asked if people would be able to travel East/West or both when leaving site. *Mr. Dean* said both and there should not be any issue.

Mr. Dean's testimony concluded.

PRESENTATION

- *Ms. Carolyn Worstell*, Professional Planner was sworn under oath and was accepted by the Chairperson as an expert Professional Planner. She then summarized previous testimony and reviewed the application in accordance with the Master Plan.

BOARD QUESTIONS

- *Chairman Neuer* asked if *Ms. Worstell* has been to the site. She answered in the affirmative that she has been there once, but staff from Dresdner Robin has been there

many times. *Chairman* asked for details pertaining to Crystal Lake; *Ms. Worstell* said that the visit was during the winter and that the Lake is close to the property as well as adjacent to the walkway on Boland Drive.

- *Chairman Neuer* asked about the number of the parking spaces available for the public. *Ms. Worstell* said that she did not count and that there was no agreement in place.
- *Chairman* asked when did Eagle Rock Bowling Alley cease operation. *Ms. Worstell* said that she is unsure.
- *Chairman* asked if there was any research done on Crystal Lake. *Ms. Worstell* answered in the negative. *Chairman* followed up by asking if the Environmental impact study was signed by her or *Mr. Heydt*. *Ms. Worstell* confirmed that it was just *Mr. Heydt*.
- *Chairman Neuer* asked if *Ms. Worstell* was aware of the use for Crystal Lake. *Ms. Worstell* said that it was for recreation. He then followed up on how to gain access if not utilizing the two (2) spaces in this application or the access from Boland Drive. *Ms. Worstell* said that it would have illegal and there is no handicapped access.

PROFESSIONALS QUESTIONS

- No questions from *Mr. John Hess*.
- *Mr. Paul Grygiel* asked about the advantages of the proposed use as compared to the permitted or other uses. *Ms. Worstell* said that this application is promoting public use and safety which might not be found with other retail uses.

PUBLIC ADVOCATE

- *Mr. Thapar* asked what would occur if three (3) cars show up at the same time, given that there are only two (2) public spaces available. *Ms. Worstell* responded that the extra car would be unable to park or use the Lake.

PUBLIC QUESTIONS

- *Mr. Kevin Malanga (57 Ridge Road)* asked about location of the landscaping and screening in the plans. *Ms. Worstell* said that it takes place on the sides and rear of the lot with additional landscaping and curbing.
- *Mr. Malanga* asked about the shape of the building and whether the "stub" would have landscaping. To which *Ms. Worstell* said that it would be taking place between the building and property line.
- *Mr. Malanga* asked about the purpose for the height restrictions of the building. *Ms. Worstell* said it is to reduce the visual, but they will be compliant with the 35 feet height.
- *Ms. Joyce Rudin (Woodland Avenue)* asked how large this building is in comparison to LA Fitness. *Ms. Worstell* said that she is unsure.
- *Ms. Rudin* asked how the shadows on site will affect the aesthetic beauty of Crystal Lake. *Ms. Worstell* said that all buildings will cast a shadow and this will cause no more of a shadow than any other building.
- *Ms. Rudin* asked if *Ms. Worstell* was familiar with Zoning Board application, ZB-19-10, 955 Pleasant Valley Way that was approved and questioned the necessity of more storage to which *Ms. Rudin* was informed that there was testimony from the owner and operator previously and *Ms. Worstell* was not testifying regarding that.

- *Ms. Worstell's testimony concluded.*
- *Chairman Neuer announced that **Application ZB-20-16 PS Atlantic Coast, LLC** is carried without further notice being required to the **April 28, 2022 Regular Meeting**.*
- *After announcing application being carried to the April 28, 2022 Regular Meeting, **Chairman Neuer** asked **Ms. John-Basta** to encourage her client to consider a walking path to the lake and to consider removing the "stub" because of impervious coverage and the expanded volume of the proposed building. It was also determined that no further testimony will be presented; April 28th will be for summation by counsel for the applicant, public comment and testimony and Board deliberations and vote.*

Break 9:48PM – 9:55PM

- *Chairman Neuer announced that **Application ZB-21-23 Sai Hira Ram Trust, Inc.** is carried without further notice being required to the **April 28, 2022 Regular Meeting**.*
- *Chairman Neuer announced that **Application ZB 21-07 Rozenfeld** is carried without further notice being required to the **April 28, 2022 Regular Meeting**.*

2. ZB-21-08/Main West Orange LLC

(Carried from 2/17/2022)

**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

- *Ms. Allyson Kasetta, Esq. entered her appearance as attorney on behalf of the applicant as new representation due to **Mr. Reginald Jenkins**' new association with **Trenk Isabel Siddiqi & Shahdanian PC** which creates a conflict.*
- *Mr. Daniel Garcia-Pedrosa, Applicant, was sworn under oath.*
- *Mr. Garcia-Pedrosa testified in regards to security measures. He stated that there will be keypad access in the front and rear of the residential and retail properties and that there are going to be cameras installed and monitored remotely and onsite. He also testified to a live-in superintendent to oversee operations.*
- *Mr. Garcia-Pedrosa testified that the tenant storage will be in the basement and will be separated for each tenant to provide private storage spaces.*
- *Mr. Garcia-Pedrosa testified to exterior improvements for both the residential and retail (storefront) properties.*

BOARD QUESTIONS

- *Mr. Peter Ricci asked if the whole building will match. "Not just a patch" as is proposed. Mr. Garcia-Pedrosa said that the buildings differ in character and to make modifications recommended would be beyond the scope of the project.*
- *Mr. Jerome Eben echoed Mr. Ricci's comments and as an additional thought brought up fire safety.*

- *Mrs. Alice Weiss* referenced previous testimony regarding solar panels. *Mr. Garcia-Pedrosa* said that he is unsure as needs to discuss with client.

NO QUESTIONS BY THE BOARD PROFESSIONALS

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTIONS

- *Mr. Kevin Malanga* (57 Ridge Road) asked if they are replacing windows/doors. *Mr. Garcia-Pedrosa* answered in the affirmative.

Mr. Garcia-Pedrosa's testimony concluded

PRESENTATION

- *Mr. Joseph Staigar*, Professional Planner and Traffic Engineer was sworn under oath and stated his professional credentials. *Chairperson* accepted *Mr. Staigar* as an expert Traffic Engineer and Professional Planner.
- *Mr. Staigar* said that walkability of the area is an issue. There are 17 spaces for the 15 units This property is near bus stops which is a benefit for parking requirements.
- *Mr. Staigar* said that he agrees with *Mr. Grygiel* in regard to the variances requested. (i.e.: parking, use) That they all meet many of the aspects of the Master Plan (Updated version of 2019.)

BOARD QUESTIONS

- *Mr. Jonathan Redwine* asked if any units are going to be affordable. *Mr. Staigar* said no because of the number of units in the complex. *Mr. Grygiel* confirmed that it is not applicable to this project.
- *Mr. Jerome Eben* asked if the grade elevations are a conflict in the lot. *Mr. Staigar* said that there is only a five (5%) percent cross slope for that exact reason.

NO QUESTIONS BY BOARD PROFESSIONALS

NO QUESTIONS FROM PUBLIC ADVOCATE

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT

Public Hearing Closed

Conditions stipulated by Chairman Neuer:

- There will be no occupancy in the basement.
- The building must be fully sprinklered.
- Electric Vehicle Charging stations must be on final plans.
- Thirteen (13) parking spaces must be signed for "Residents Only".
- Revised elevations shall appear on the final plans.
- These conditions shall be printed onto the final plans submitted for signatures.

BOARD DISCUSSION

- Originally *Chairman Neuer* stated that solar panels should be a condition. But after discussion between *Chairman Neuer*, *Mr. Ricci* and *Mr. Redwine*, it was removed as per *Chairman Neuer*. *Mr. Ricci* said solar panels might not be right for the property in regards to architectural integrity. *Mr. Redwine* opined that a post-construction analysis should be done for solar panels.

Motion: Chairman Neuer

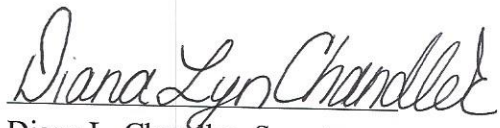
Second: P. Ricci

APPROVED

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

Chairman Neuer adjourned the meeting at 11:03PM.

Adopted:


Diana L. Chandler, Secretary