

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING
June 16, 2022
8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on June 16, 2022 commencing 8:00PM utilizing the virtual Zoom platform.

Chairperson Philip D. Neuer called the meeting to order at approximately 8:00 PM. 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."

Chairperson 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, Jonathan Redwine, Peter Ricci,
Mark Sussman, Dr. Michael Straker, Irv Schwarzbaum,

Absent: Alice Weiss (excused absence)

Also Present: Diana Marsh (proxy for Paul Grygiel), Acting Planning Director for Township
Alice Beirne, Esq. Board Attorney
Diana L. Chandler, Board Secretary
Sarabraj S. Thapar, Public Advocate;
John Hess, Consulting Engineer for Township

ANNOUNCEMENTS

- Future Meetings: July 21, 2022 (regular)
August 18, 2022 (regular)
September 15, 2022 (regular)
- Application **ZB 21-07 Rozenfeld** is carried to the July 21, 2022 Regular Meeting with no further notice.

MINUTES

- **Adopt: May 19, 2022**
Motion: Chairperson Neuer
Second: J. Redwine

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

SWEARING IN

- Township Professionals, *Ms. Diana Marsh* (proxy for *Mr. Paul Grygiel*), Township Planner and *Mr. John Hess* Consulting Engineer for the Township were sworn under oath.

RESOLUTIONS

- **ZB-22-03 Perlman/ 314 Walker Road** (Approved 5/19/2022)
Block: 160.01; Lot: 30.04; Zone: R-1
Seeking "c" variances for expansion of existing house

Motion: Chairperson Neuer
Second: I. Schwarzbaum

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

Note: Application seeking "c" variances for expansion of existing house was approved with conditions at the May 19, 2022 Regular Meeting. Resolution was adopted at the June 16, 2022 Regular Meeting.

APPLICATIONS

1.) ZB-22-04 Saviet/ 1 Normandy Terrace

Block: 155.10; Lot: 26; Zone: R-5

1 Normandy Terrace

Seeking "c" variance for addition of porch to existing house.

PRESENTATION

- *Mr. Nathaniel Saviet*, Applicant entered on the record and was sworn under oath.
- *Mr. Saviet* explained that originally this application began as a request to the Building Department for a permit for the steps and staircase to the property and to demolish the semicircular steps and the porch. He then referenced pictures included with the application as it is a squared and shallow front yard in twenty (20) feet total.

BOARD QUESTIONS

- *Chairperson Neuer* asked what materials will be used. *Mr. Saviet* responded that it will be masonry and he even plans on replacing vinyl siding with brick.
- *Chairperson Neuer* asked about the impervious coverage. *Mr. Saviet* said that the front yard currently is small and removing the porch and walkway will make it even smaller in size.
- *Mr. Irv Schwarzbbaum* asked what is the variance request. *Mr. Saviet* said that it is for front yard and impervious coverage with the porch not extending any further than the bottom step.
- *Mr. Mark Sussman* asked how far out are the dimensions for the porch. *Mr. Saviet* said that are five and a half (5 ½) feet to six (6) feet.
- *Mr. Peter Ricci* opined that there's a lack of information with this application regarding materials and drawings. He then asked about the egress if it is going to remain or be replaced. *Mr. Saviet* said that he is going to replace the egress.
- *Mr. Schwarzbbaum* asked if the steps are going to align to the driveway. *Mr. Saviet* answered in the affirmative. *Mr. Schwarzbbaum* asked about the dimensions of the steps. *Mr. Saviet* said that they are four (4) feet to compliment the staircase.
- *Mr. Jerome Eben* asked if the applicant is building a vestibule. *Mr. Saviet* said it is more of a portico if you will. *Mr. Eben* asked for confirmation that this is not going to be interior space. *Mr. Saviet* said that it is just a roof. *Mr. Eben* then had a discussion over the sidewalk, gave suggestions on planting to which *Mr. Saviet* stated that all *Mr. Eben's* comments are noted and he will accept them as a condition if necessary.

PROFESSIONALS QUESTIONS

- *Mr. John Hess* had no questions.
- *Ms. Diana Marsh* looked at Google and opined that there would be a gap due to driveways. *Ms. Marsh* asked about the roof and the overhang over the porch. *Mr. Saviet* said that the roof over the porch would provide symmetry. *Ms. Marsh*

asked about the new walkway materials. *Mr. Saviet* said that the materials will accentuate the brick.

NO PUBLIC ADVOCATE QUESTIONS

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT

Public Hearing Closed

BOARD DISCUSSION

- *Chairperson Neuer* asked for confirmation of the walkway being replaced with brick pavers. He then proposed a condition to add landscaping within one year after completion of construction. *Mr. Saviet* agreed to this condition.
- *Mr. Ricci* said that in the future there needs to be more information before coming to the Board.

Motion to Approve subject to the stated conditions: *I. Schwarzbaum*

Second: *J. Redwine*

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

- 2.) **ZB 21-01 M Vega Investments LLC/66 Franklin Avenue (Carried from 4/28/22)**
66 Franklin Avenue
Block: 134.02; Lot: 75.03, 79, 81; Zone: B-1
Seeking "c" and "d" variances for modifications to property with mix of uses.

PRESENTATION

- *Mr. Roosevelt Donat, Esq.* entered on the record as attorney on behalf of the applicant. Mr. Donat explained that this application is seeking both "C" and "D" variances for truck parking and a mixed use and improvements around the site.
- *Mr. Nick Salerno, Architect* entered on the record, was sworn under oath, and after stating his professional credentials, was accepted as an expert in the field of architecture.

BOARD QUESTIONS

- *Mr. Schwarzbaum* asked what type of business is on this property. *Mr. Salerno* said that it is a contractor and landscaping company.
- *Mr. Schwarzbaum* asked about the proposed three (3) bedrooms for this property and where the people who would be living in those rooms, would be parking automobiles. *Mr. Salerno* said that they would be parking onsite.
- *Mr. Schwarzbaum* asked the witness to state the height of the attic. *Mr. Salerno* answered that the height is seven (7) feet and is according to code. *Mr. Schwarzbaum* asked if there is a possibility that this will be a living space to which *Mr. Salerno* said that it could be. *Mr. Schwarzbaum* asked about the location of the bathrooms on these premises and *Mr. Salerno* said that there are two (2) on the second floor in the main living quarters.
- *Mr. Ricci* asked where the entrance to the commercial space is located. *Mr. Salerno* said that it is facing on street and through the yard to side door. *Mr. Ricci* followed up by asking where the entrance is to the residential portion of the property. *Mr. Salerno* said that through a side entrance with a door.
- *Mr. Ricci, Mr. Salerno* and *Chairperson Neuer* discussed the difference between an attic versus a three (3) family versus two and one-half (2 ½) stories. *Mr. Donat* said that they are willing to accept as a condition to not allow the third floor to be used as a living space, to which *Chairperson Neuer* suggested a redesign.

PROFESSIONALS QUESTIONS

- *Mr. Hess* asked for the inconsistencies stated in his report to be addressed. *Mr. Salerno* was agreeable to this request.
- *Ms. Marsh* referenced an initial issue with the side elevation (on Sheet AR4) and an issue with windows which she now believes has been addressed.

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTIONS

- *Kevin Malanga (57 Ridge Road)* asked about the parking lot and if *Mr. Salerno* had visited the site. To which *Mr. Salerno* said that it is not part of the testimony but he passes the site daily. *Mr. Malanga* asked about the lot coverage to which *Mr. Salerno* said that questions of that nature should be addressed to the Civil Engineer.

BREAK 9:31PM- 9:43PM

PRESENTATION CONTINUED

- *Mr. Josh Kline*, Civil Engineer entered on the record, was sworn under oath and after stating his professional credentials, was accepted as an expert in the field of civil engineering. *Mr. Kline* then identified the following exhibits:
- **Exhibit A1: Site Plan Aerial Exhibit (Dated – February 15, 2022)** with overview of current site in disarray.
 - **Exhibit A2: Rendered Site Plan- Colorized (Dated – January 14, 2022)** with reconstructed site fencing (chain link with slats),

improvements to parking lot (storm water plan), storage for equipment to be put inside, and lighting (LED and dark sky compliant) Lighting in regards to security during office hours (8:00AM-5:00PM) with dimming factor.

BOARD QUESTIONS

- *Chairperson Neuer* asked if the parking lot is going to be repaved. *Mr. Kline* said that it would be a full asphalt replacement.
- *Chairperson Neuer* asked for confirmation of no outside storage, if they are willing to accept that as a condition, and asked for confirmation of hours of operation. *Mr. Kline* answered in the affirmative and that the hours will be limited to 8:00AM- 5:00PM.
- *Mr. Schwarzbaum* asked for confirmation on the number of parking spaces and how many are Americans with Disabilities Act Standards for Accessible Design (ADA) compliant. *Mr. Kline* said that there are eleven (11) spaces and one (1) of the spaces is ADA compliant as per the requirements.
- *Mr. Schwarzbaum* asked what kind of equipment is being stored. *Mr. Kline* said that the attorney or applicant would be better suited to answer.
- *Mr. Schwarzbaum* asked for a description of the fencing. *Mr. Kline* said that the fence is made of slats to tie into building with a sliding automatic gate.
- *Chairperson Neuer* asked for confirmation that no trucks other than those owned by M. Vega Investments LLC will be on the premises. To which *Mr. Kline* said they will comply.
- *Mr. Ricci* asked for confirmation on the parking counts. To which *Mr. Kline* explained the ADA spaces. *Mr. Ricci* asked if those living there would be parking at random or would there be signage. *Mr. Kline* said that there would be proper signage.
- *Mr. Ricci* asked about the size of the trucks to which *Mr. Kline* said that there were many of different length vehicles utilized.
- *Mr. Ricci* asked if there will be Catch Basins in the new design. *Mr. Kline* answered in the affirmative. and they will be collecting stormwater.
- *Mr. Ricci* asked what they are parking on now. To which *Mr. Kline* responded that they are parking on broken gravel.

PROFESSIONALS QUESTIONS

- *Mr. Hess* asked in regard to items in his report that are still open.
 - Besides the handicapped space, the applicant is proposing five (5) 9x18 spaces and five (5) 10x20 spaces. *Mr. Hess* asked for a description of the types of vehicles to be parked on the premises. *Mr. Kline* responded:
 - Five (5) commercial vehicles are being parked there on the site and leaving in the morning, then those spaces would be available for the drivers to park their vehicles. In regard to the spaces on the side, they would be open to employees or visitors to the building in addition to the spaces for the residents. Based on these operations it gives the flexibility for parking and areas where a trailer could be left.

- *Mr. Hess* asked about clarification on trash and recyclable collection area in regard to access as it looks like someone will have to access containers as he does not see any way that a vehicle (i.e. a dumpster truck) can be backed into this lot. *Mr. Kline* said that the applicant is proposing four (4) 90-gallon containers. At the outset this would be one (1) recycling container and would go up to the maximum required depending on the need for up to two of each (recycling and trash) containers. Depending on the operation would determine the frequency of the pickup which would be taking place at off peak time.
- *Ms. Marsh* suggested for the applicant to consider ten (10) spaces and have a raised curb for sidewalk area with safety concerns. *Mr. Kline* said that he could raise that to the applicant and see what his verdict is but *Mr. Kline* will not approve of a change like this without the applicant's input.

PUBLIC ADVOCATE QUESTIONS

- *Mr. Thapar* asked about the possibility of electric charging stations to be added to the site. To which *Mr. Kline* said that there is no intention to add since there is no ordinance for under twenty-five (25) parking spaces.
- *Mr. Thapar* asked if patrons are not expected at the office. *Mr. Kline* said that there will be adequate parking.

PUBLIC QUESTIONS

- *Kevin Malanga (57 Ridge Road)* asked why chain link fence is proposed as opposed to cedar board on board. To which *Mr. Kline* said that it is because of screening. *Mr. Malanga* asked if vehicles are able to be parked in the drive aisle. *Mr. Donat* said it is not the applicant's intent.

PRESENTATION CONTINUED

- *Mr. Matthew Seckler*, Traffic Engineer entered on the record, was sworn under oath and after stating his professional credentials, was accepted as an expert in the field of Traffic Engineering.
- *Mr. Seckler* gave an overview of his traffic assessment with trip generation and circulation figures. The only change caused by adding the residential use to this property, would be during the peak hours.

BOARD QUESTIONS

- *Chairperson Neuer* asked about spaces for parking. *Mr. Seckler* said that there are ten (10) for the sum of all uses.
- *Mr. Schwarzbaum* asked what the calculations are for parking. *Mr. Seckler* said that it is one (1) space for every 250 square feet of building area.
- *Mr. Ricci* asked if the sliding gate is going to be automatic and how it will be accessed. *Mr. Seckler* answered no type of access has been selected yet but yes that the gate will be automatic.

PROFESSIONALS QUESTIONS

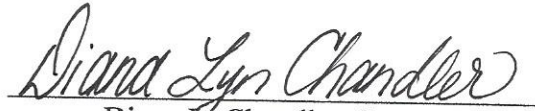
- No questions from *Ms. Marsh*.
- *Mr. Hess* asked about the off-street parking table and if the parking requirement will be the same. He is unsure if the waiver applies. *Mr. Seckler* said it is a residential unit in the parking lot.

NO PUBLIC ADVOCATE QUESTIONS
NO PUBLIC QUESTIONS

Chairperson Neuer announced that application ZB 21-01 M Vega Investments LLC/66 Franklin Avenue seeking "c" and "d" variances for modifications to property with mix of uses is carried with no further notice required to the August 18, 2022 Regular Meeting.

Chairperson Neuer adjourned the meeting at 10:54PM.

Adopted: 12/15/2022


Diana L. Chandler, Secretary