

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
January 21, 2021**

The West Orange Zoning Board of Adjustment held a regular meeting on January 21, 2021 commencing 8:00 PM utilizing the virtual Zoom platform.

Chairman Neuer called the meeting to order at approximately 8:00 P.M. 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.

PRESENT: J. Eben, D. Gabry, P. Neuer, B. Quentzel, J. Redwine,
I. Schwarzbaum, M. Sussman, W. Steinhart, M. Straker, A. Weiss

ABSENT:

ALSO PRESENT: Paul Grygiel, Acting Planning Director for the Township
John Hess, Consulting Engineer for the Township
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary
Sean McCauley, Acting Board Secretary

ANNOUNCEMENTS

- Alternate Members Quentzel and Straker have not been reappointed as yet. They will attend but will not be eligible to participate in any application until officially reappointed.
- Chairman Neuer presented a certificate to celebrate Rose DeSena's retirement; Members of the Board, members of the public and the professional staff offered statements of praise for Rose and wished her well in her retirement.
- Sean McCauley recognized as acting Zoning Board Secretary

Future Meetings: February 18, 2021 (regular)
March 18, 2021 (regular)
April 15, 2021 (regular)

REORGANIZATION

Vote:

Philip D. Neuer was appointed Chairman
Irv Schwarzbaum was appointed Vice-Chairman
Sean McCauley was appointed Acting Board Secretary
Alice Beirne was appointed Board Attorney
Irv Schwarzbaum and Phil Neuer were appointed Site Plan Review
Advisory Board Representatives

MINUTES ADOPTED

November 19, 2020 (regular meeting)

December 17, 2020 (regular meeting)

SWEARING IN

Paul Grygiel, acting Planning Director for the Township and John Hess, consulting Engineer for the Township were sworn under oath.

APPLICATIONS

1. ZB-19-10/955 Pleasant Valley Way, LLC

Carried from 9/24/202

Block: 172.02; Lots: 8.01 & 8.03; Zone: B-2

955 & 963 Pleasant Valley Way

Seeking “d” use and height variances and “c” variances and preliminary and final major site plan approval to construct a four (4) story self-storage facility

EXHIBITS

A-1 – Aerial view of the site, prepared by Stonefield Engineering, dated 2/20/2020.

A-2 – Concept plan B, prepared by Stonefield Engineering dated 11/15/2020

A-3 - Rendered site plan dated 7/16/2020

A-4 – Section exhibit dated 6/3/2020

A-5 - Areas of Concern Map, prepared by Parsons, dated 02/05/2019

A-6 – Aerial view of proposed building and surrounding area

A-7 - Sheet A-7 of the revised rendered site plan dated 11/17/2020

A-8 – Architectural renderings of the proposed building

- **Chairman Neuer** introduced court reporter **Donna Arnold** who was designated as the official reporter for this application.
- **Chairman Neuer** introduced applicant’s attorney, **Jason Tuvel**.
- **Mr. Sussman** recused himself from hearing this application.
- **Mr. Tuvel** began by addressing issues brought up at last appearance:
 - Reduced height of building, now 35’; changed character of architecture to appear more residential; the roof will now be covered in green artificial turf and ivy as opposed to white to be more pleasing to residents who will see the roof; faux

windows were added; efforts made to further stabilize the slope; more bathrooms added at upper levels of building; door added to back of building to access landscaping for maintenance; an overall reduction in scale vs. the original plan.

- Height and parking variances now withdrawn due to plan changes.
- **Mr. Tuvel** introduced architect, **Louis Vandeloecht**; sworn in.
- **Mr. Vandeloecht** offered his credentials and was accepted as an expert in the field of architecture.
- **Mr. Tuvel** asked **Mr. Vandeloecht** to show previous rendering of building; followed by new rendering looking south from Pleasant Valley Way (Exhibit A-23); described changes that were made.
- **Mr. Tuvel** asked how many stories are now proposed; **Mr. Vandeloecht** responded that it is now (4) stories.
- **Mr. Vandeloecht** then showed a rendering looking north; and then an arial angular view, showing entirety of roof showing new look that includes false chimneys.
- Continued with a video (Exhibit A-22) from the front street view passing the building showing the new residential-style detail; stated that the entirety of the building has been reduced by a few thousand square feet.
- **Mr. Tuvel** asked **Mr. Vandeloecht** to describe the added bathrooms and back door.
- **Mr. Vandeloecht** used the floor plan (Exhibits A-1, A-3.1,) to point out the new restrooms and the added rear door.

Board Questions:

- **Mr. Schwarzbaum** asked to be shown which levels are above- and below-grade.
 - **Mr. Vandeloecht** stated that the first level is below-grade in the back, and above-grade in the front, and the rest are above grade with the 4th level being hidden in the new roof structure.
- **Mr. Redwine** inquired about the placement of air conditioning venting.
 - **Mr. Vandeloecht** showed on Exhibit A-5 where the a/c units will be placed on the roof; there are (22) small residential-size units.

Public Questions:

- **Charles Upshaw**, 105 Roosevelt Avenue; asked about noise from a/c units.
 - **Mr. Vandeloecht** responded that they meet noise standards.
- **Joyce Rudin**, 38 Woodland Avenue; asked about plantings around building; renderings show mature trees, is that the plan?
 - **Chairman Neuer** stated that this witness did not testify to plantings and this was covered in previous meetings.
- **Ms. Rudin** asked about carcinogens in the artificial turf roof covering and heat that it may create.
 - **Mr. Vandeloecht** responded that several options were explored and this was chosen for its consistency and low maintenance; and that he is not aware of carcinogen concerns.
 - **Chairman Neuer** asked if there was evidence of carcinogen issues; Ms. Rudin did not present any such evidence.
- **Ms. Rudin** asked about flame-retardant qualities of the turf, and if it presented a higher danger in case of fire.
 - **Mr. Tuvel** stated that it will meet fire code.
- **Ms. Rudin** asked if it needed to be replaced, would the old turf be in a landfill and how long would it take to decompose.
 - **Mr. Vandeloecht** replied that this was not studied.

- **Ms. Rudin** asked about if LEED Certification was being sought.
 - **Mr. Vandeloecht** responded in the negative.
- **Kevin Malanga**, 57 Ridge Road; inquired about the definition of a faux-window.
 - **Mr. Vandeloecht** responded it is a real window covered in film that does not let light through.
- **Mr. Malanga** asked if a real turf roof was considered; and if it was possible.
 - **Mr. Vandeloecht** stated yes, but the applicant chose the artificial; and the weight of real turf is restrictive.
- **Mindy Schwartzman**, 2 Roosevelt Avenue; asked if this will be a 24/7/365 business.
 - **Chairman Neuer** stated that this had been previously discussed.
 - **Mr. Vandeloecht** stated that it will not be.

End of public questions

Additional Board Questions:

- **Mr. Schwarzbaum** asked about the change in square footage; and how added bathrooms affected this.
- **Mr. Vandeloecht** used Exhibits A-0 and A-3 to show the changes; and that the bathrooms added no square footage, but reduced rentable area.

Mr. Vandeloecht's testimony concluded

- **Mr. Tuvel** introduced the applicant's Civil Engineer, **Mr. Jeffrey Martell**; he was sworn in and offered his credentials. Mr. Martell was accepted as an expert in the field of civil engineering.
- **Mr. Tuvel** asked **Mr. Martell** to discuss previous Board question regarding stabilizing the slope.
- **Mr. Martell** showed sheet plan C-9 from the site plan and spoke of meeting with Board Engineer John Hess and discussing measures to stabilize the slope; including adding brick wrap structures and erosion mattings in key areas; additionally, showed Exhibit A-17 to show slope from several angles.
- Additionally, **Mr. Tuvel** stated that the applicant intends to comply with **Mr. Hess'** most recent review memo dated November 12, 2020.
- **Mr. Tuvel** asked if any landscaping plans had changed since last discussed.
- **Mr. Martell** responded in the negative.

Board Questions:

- **Mr. Eben** inquired about how the erosion matting works with the plantings; will one affect the other?
 - **Mr. Martell** responded that neither will affect the other; there are steps in how this would be gone about; such as, making sure there is stabilization before cutting through matting to install landscaping.
- **Mr. Eben** offered a potential condition to have an independent landscape architect and/or erosion expert monitor the work.
 - **Mr. Martell** responded that the applicant would be open to this.
- **Chairman Neuer** asked to see Exhibit A-17; asked where the erosion matting would be placed and if it could be extended to additional areas.
 - **Mr. Martell** showed the area and stated that adding additional matting where it is not needed could be counterproductive and/or difficult to lay around existing

vegetation.

- **Ms. Gabry** inquired if the matting would remain after construction; and asked how susceptible it is to weather events.
 - **Mr. Martell** stated that the matting will ultimately become part of the land
 - **Mr. Hess** added that the addition of the matting was a topic that he discussed with **Mr. Martell** and that this is acceptable.

Public Questions

- **Charles Upshaw**, 105 Roosevelt Avenue; asked if the line of disturbance is within 100' of the ridge line.
 - **Mr. Martell** responded that, in parts, yes
- **Mr. Upshaw** stated that Ordinance 25-28.8:B stated that the line of disturbance must be no closer than 100' from the ridge line.
 - **Mr. Martell** responded that the application is seeking relief from this.
- **Mr. Upshaw** asked if the matting will be effective in areas exceeding the standard.
 - **Mr. Martell** responded in the affirmative.
- **Mr. Upshaw** asked about current trees with exposed roots and if the vibrations of digging will affect them.
 - **Mr. Martell** responded in the negative.
- **Manuel Lin**, 938 Pleasant Valley Way; asked about details of the storm drainage system.
 - **Chairman Neuer** stated that this was discussed a few meetings back.
- **Kevin Malanga**, 57 Ridge Road; asked about the sequence of digging, matting, landscaping; is this the order, and will trees be dragged up the slope to be planted?
 - **Mr. Martell** responded that this is the order, and that the landscapers have a way to get the trees up the slope that would not be considered "dragging."
- **Mr. Malanga** continued asking about if the matting will be disturbed by the landscaping work.
 - **Mr. Martell** stated that it would and it is expected.
 - **Chairman Neuer** asked for details on the process of repairing any damage to the matting.
 - **Mr. Martell** responded that there are recognized and acceptable methods.
- **Mr. Malanga** asked about the specifics of the matting vs. a retaining wall; which is more suitable.
 - **Mr. Martell** responded that the matting is appropriate for this application.
- **Mr. Malanga** continued to question matting vs. walls.
 - **Mr. Martell** responded that the rear sub grade portion of the building acts as a retaining wall, and matting goes down beyond that.
- **Zasah Khademi**, 4 Dawes Avenue; asked if the NIH is considered a reliable source, continuing that NIH standards would recommend a green roof vs. an artificial turf roof due to its off-gassing and runoff into drain water.
 - **Chairman Neuer** responded that any evidence of these standards and issues should be forwarded to the Board Attorney via the Board Secretary.

Chairman Neuer called a recess at 10:05pm; the hearing resumed at 10:15

- **Mr. Upshaw** returned to ask **Mr. Martell** if the sheer strength of the soil will be sufficient for the matting to be used.
 - **Mr. Martell** responded in the affirmative.
 - **Chairman Neuer** referred **Mr. Upshaw** to a report linked to the Agenda.
- **Mr. Upshaw** stated that sheer strength of the soil is not discussed.

- **Chairman Neuer** asked for that to be looked into

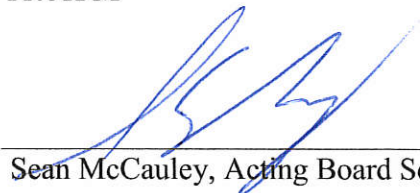
End of public questions

- **Chairman Neuer** asked **Mr. Tuvel** to be prepared for more questions on the artificial turf roof.
- **Mr. Tuvel** introduced the applicant's Operations Consultant, **Ms. Carol Shipley**; **Ms. Shipley** was sworn in and offered her background and credentials and was accepted as a fact witness with expertise relating to self-storage business operations.
- **Mr. Tuvel** asked **Ms. Shipley** to share her presentation, Exhibit A-24.
- **Ms. Shipley** offered statistics on who uses storage and why; that the general primary market is within a (3) mile radius of the facility; showed that (4) competitors are in that radius; within the radius this area is well below the national average of square footage of storage per capita; this facility would increase that to still below half of the national average.
- Continued with the typical daily activity at this type of facility including operating hours, security features and staffing size of one employee per shift; and that most office activity has become contactless.
- Reported that they anticipate that of 740 to 800 total units there is a goal of 693 being rented within (3) to (5) years; reported how much time any tenant may be in facility for rental process and a typical move in; also, how often tenants tend to visit, and how long they stay.
- Stated that they anticipate typically three to six visitors an hour on any business day; Saturdays are typically the busiest day.
- **Mr. Tuvel** inquired about auctions on defaulted units.
- **Ms. Shipley** responded with the legal requirements to hold auctions; and that the auctions are typically held online and the high-bidder then rents the unit and takes possession of the contents; auctions do not happen on-site.
- **Mr. Tuvel** asked about restrictions of hazardous items.
- **Ms. Shipley** outlined the rules and procedures that support those restrictions.
- **Mr. Tuvel** asked about tenants disposing of items in a unit.
- **Ms. Shipley** responded that there is only a small dumpster and there are restrictions on what can be disposed of on-site.
- **Mr. Tuvel** asked about maintaining the grounds.
- **Ms. Shipley** stated that the on-site employee is responsible for keeping the grounds clean; as well as keeping the interior clean and orderly; and outside contractors are brought in for bigger concerns.
- **Mr. Tuvel** asked about storage on the outside of the facility.
- **Ms. Shipley** stated that all storage is inside.
- **Mr. Tuvel** asked about the climate-control of the facility.
- **Ms. Shipley** responded with the temperatures that can be expected inside.
- **Chairman Neuer** asked for a pro forma lease to be submitted to the Board.

This application will be continued to February 18th; no further notice is required.

The meeting was adjourned by **Chairman Neuer** at 11:01PM

Adopted: 2/18/2021



Sean McCauley, Acting Board Secretary