

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

August 18, 2022

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on August 18, 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,
Alice Weiss, Mark Sussman,

Absent: Peter Ricci (excused absence), Irv Schwarzbaum (excused absence),
Dr. Michael Straker (excused absence)

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

ANNOUNCEMENTS

- Future Meetings: September 15, 2022 (regular)
October 20, 2022 (regular)
November 17, 2022 (regular)
- *Chairperson Neuer* announced that **ZB 21-01 M Vega Investments LLC/66 Franklin Avenue** due to a late submission must be carried to the September 15, 2022 Regular Meeting with a report from the Fire Department.

SWEARING IN

- Township Professionals, *Mr. Paul Grygiel*, Township Planner and *Mr. John Hess*, Consulting Engineer for the Township were sworn under oath.

RESOLUTIONS

- **ZB 21-22 19 Wheatland LLC/ 17 Wheatland Avenue (Approved 7/21/2022)**

17 Wheatland Avenue

Block:39; Lot:56.06; Zone: R-6

Seeking “c” variances for construction of a new single-family dwelling.

Motion: Chairperson Neuer

Second: J. Redwine

Eben:	Y	Straker:(Alt. 4)	-
Redwine:	Y	Sussman:	Y
Ricci:	-	Weiss:	Y
Schwarzbaum:	-	Chairperson Neuer:	Y
		Yes: 5; No: 0	

Application seeking “c” variances for construction of a new single-family dwelling was approved with conditions at the July 21, 2022 Regular Meeting and adopted at the August 18, 2022 Regular Meeting.

APPLICATIONS

- 1.) **ZB-22-05 – Trademark Sign, LLC/ Burlington** (Carried from 7/21/2022)

Block: 155.21; Lot: 40; Zone: P-C

495 Prospect Avenue

Seeking “c” variance for new monument sign.

PRESENTATION

- *Mr. John Rentschler Esq.*, entered on the record on behalf of the applicant,
- *Ms. Camille Schofield*, Project Manager from Trademark Sign LLC was sworn under oath, gave brief background of her experience with the company and displayed the submission for the signs.

BOARD QUESTIONS

- *Mrs. A. Weiss* asked what hours the signs are going to be lit. *Ms. Schofield* answered that it would only be lit during business hours.
- *Mr. J. Eben* asked whose responsibility it is for the foundation; *Ms. Schofield* answered that Trademark Signs LLC will be responsible.
- *Mr. Eben* asked about landscaping and if there will be any; *Ms. Schofield* said that there is no landscaping proposed at the present.
- *Mr. M. Sussman* asked for particulars in regards to signs. *Ms. Schofield* answered that Section 2 Sheet 6 (Revision Dated July 7, 2022) for configuration would answer this inquiry.

NO PUBLIC ADVOCATE

NO PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

- *Mr. Andrew Borg (15 Cleveland Terrace)* asked if these signs are only for Burlington Coat Factory. *Ms. Schofield* answered in the affirmative.

Ms. Schofield's Testimony Concluded

PRESENTATION

- *Mr. John McDonough, Planner* was sworn under oath and credentials were accepted as an expert in field of Professional Planning.
- *Mr. McDonough* testified stating that a "Standard Planning Analysis" was conducted and opined that this is a "modest" application. Relief in his opinion is twofold.
- *Mr. McDonough* continued testimony showing findings in aerial photographic form of the current site from the West, South, and East (Dated August 17, 2022). Main intent of signs is to locate site.
- *Mr. McDonough* also displayed a photo simulation of the proposed sign which is to be a brick monument sign on site.
- *Mr. McDonough* said that the basis for relief as the site has a tiered effect for "practical difficulty".

BOARD QUESTIONS

- *Chairperson Neuer* asked the reasoning for the signs in the rear and if there was a traffic study to show the percentage of people entering through the rear of the property. *Mr. McDonough* said that he did not know.
- *Chairperson* asked if Burlington Coat Factory is going to be on the pile on sign in the front of the property. *Mr. McDonough* answered in the affirmative that it is going to be along Prospect Avenue.

- *Chairperson* asked if he knew the total number of signs that are allowed. *Mr. McDonough* answered that he does not know that information.

PUBLIC ADVOCATE QUESTIONS

- *Mr. Thapar* asked how far the monument sign is from the top sign; *Mr. McDonough* answered that it is one or two feet from the top sign.

NO PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

- *Ms. Joyce Rudin (38 Woodland Avenue)* asked if there is still going to be a pole light near the proposed monument sign and if so, why is there a need for a sign. *Mr. Rentschler* answered and said that the sign is for readability. *Ms. Schofield* testified saying there would be a glare without the lamination and this sign with interior illumination would prevent that.

Public Meeting Closed

NO PUBLIC COMMENTS

Hearing Closed

- *Mr. Rentschler* offered closing comments on the application in regards to the safety and advantage that this sign would give to brick and mortar stores. To his knowledge there are no signs in the rear, proposed sign fits into what is needed, and does what it is meant to do.

BOARD DISCUSSION

- *Chairperson Neuer* said that he has no problem with the sign but cannot help but wonder why it is necessary and stated concerns about being overbearing. There will be no hardship in his opinion.
- *Mr. M. Sussman* said that he has no problem with the sign itself. Opined to say that he thinks its attractive and unobtrusive.
- *Mr. S. Thapar*, asked the Board if there is anything stopping other stores from applying for signs like this. To which *Chairperson Neuer* responded that those establishments would have to come to the Board and get approval. He continued to state that, "just because we might approve this does not mean that the Board would approve those."
- *Mrs. A. Weiss* said that she is unsure how she feels about sign and the necessity. With social media being a prominent feature in society, she does not believe this sign will make a difference.
- *Mr. J. Redwine* said that he is interested in the idea of this possibly prohibiting signage and questioned the impact for further signage on the premises.

Motion to deny without prejudice: Chairperson Neuer

Second: Mrs. A. Weiss

Eben:	Y	Straker:(Alt. 4)	-
Redwine:	Y	Sussman:	N
Ricci:	-	Weiss:	Y
Schwarzbaum:	-	Chairperson Neuer:	Y
		Yes: 4 ; No: 1	

Notes: Application seeking “c” variance for new monument sign was denied without prejudice at the 8/18/2022 Regular Meeting.

2.)ZB-22-06 Weinberg – 17 Cleveland Terrace

Block: 175.14 ; Lot: 10 ; Zone: R-5

17 Cleveland Terrace

Seeking “C” variances for new driveway and related improvements.

PRESENTATION

- *Mr. Stephen Geffner, Esq* entered on the record on behalf of the applicant. He then explained that this existing home is conforming due to an issue with safety to reduce slope of the driveway as it is at a danger especially during inclement weather. Mr. Geffner also referenced the sport court walkway with stairs/retaining walls throughout the site.
- *Mr. Paul Anderson, Engineer & Planner* was sworn under oath and credentials were accepted by the Board.
- *Mr. Anderson* offered testimony stating that the main goal of the application is for safer access with a recreation plan for the backyard with a drainage plan designed. He also referenced the Planning Report and discussed the topographic survey with photographic evidence showing that other owners in the vicinity have found creative solutions to the slope in their driveways.
- *Mr. Anderson* then quoted the ordinance for Senior Housing but noted that the intention is to make the slopes better for safety purposes. He continued testifying stating that redevelopment in this case would be for modernization in regards to the Master Plan.

Break: 9:19PM-9:30PM

Chairperson Neuer carried with no further notice ZB- 21-21 Daughters of Israel Inc. (1155 Pleasant Valley Way) to the September 15, 2022 Regular Meeting and offered a possible Special Meeting for October 6, 2022 to be circulated to Board Members. Mr. Howard Geneslaw, Esq. for said application confirmed at this time the statutory period for decision is waived.

BOARD QUESTIONS

- *Chairperson Neuer* asked if there is any mitigation for stabilization in regards to the steep slope. To which *Mr. Anderson* said that with this project, there will not be a large area left but created into a flat rear yard. He said they are open for suggestions on how to cultivate and the site will be open for grading in regards to stabilization.

NO PUBLIC ADVOCATE QUESTIONS

PROFESSIONALS QUESTIONS

- *Mr. J. Hess* is in agreement with stabilization mats being a good idea on slopes greater than 25 percent.
- *Mr. P. Grygiel* raised concerns about landscaping with no plan. (Types of trees, greenery, etc.) *Mr. Anderson* said he can supply with a landscaping plan.

PRESENTATION

- *Mr. Sam Gershwin, Project Manager* was sworn under oath and began testimony stating that the wall along the front of the property raises from street level. He stated that once there is a consensus on landscaping, the applicant would return to the Board in an effort to “follow the path of least resistance.”

BOARD QUESTIONS

- *Mr. J. Eben* asked if there is a sidewalk. *Mr. Gershwin* answered in the negative. *Mr. Eben* followed up by asking if the existing driveway is slippery. To which *Mr. Gershwin* said that in the present design it is.
- *Chairperson Neuer* asked when vehicles turn around if they have to back straight out. Which *Mr. Gershwin* said that there is enough space to turn around.

NO PUBLIC ADVOCATE QUESTIONS

PROFESSIONALS QUESTIONS

- *Mr. P. Grygiel* asked about the design solution and how they came to that. *Mr. Gershwin* said that most are incomplete solutions and with a flatter solution it was navigated for more control during times of inclement weather.
- *Mr. J. Hess* asked in regards to the depth of the system and whether there will be a ladder needed? *Mr. Anderson* said that drywell rings are going to be utilized.

PUBLIC QUESTIONS

- *Mr. Mitchell Novick (49 Hoover Avenue)* asked how deep the drywells are to which *Mr. Anderson* responded that they are about three (3) feet deep. *Mr. Novick* asked about the amount of rain in this area. *Mr. Anderson* said that in a span of 24 hours, there are approximately eight and a half (8 ½) inches of water
- *Mr. David Burstein (50 Hoover Avenue)* asked besides safety issues if there were other things that need to be rectified. To which *Mr. Anderson* said that of course they want to make it aesthetically pleasing.

Mr. Anderson and Mr. Gershwin testimonies concluded

PRESENTATION

- *Dr. Mitchell Weinberg* was sworn under oath and began his testimony. *Dr. Weinberg* explained that currently his family consisting of himself, his wife, and three (3) children are living in Livingston, NJ and are all anxious to move into this West Orange Community. *Dr. Weinberg* confirmed that the main component to this application is for safety and appearance of the property.

NO BOARD QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

At this time, Mr. Geffner confirmed that Mr. Larry Appel, Architect will not be sworn in or testimony be given due to lack of necessity.

PUBLIC COMMENT

- *Mr. Mitchell Novick (49 Hoover Avenue)* was sworn under oath and commented that for the time period that he has lived in this area of town there have been no instances of flooding and is concerned that the two (2) drywells and renovations will cause havoc.
- *Mr. David Burstein (50 Hoover Avenue)* was sworn under oath and shares the same concern as *Mr. Novick*. *Mr. Burstein* wanted to state on the record that he never actually has spoken to the Weinbergs in regards to this application.
- *Mr. Ron Farber (25 Cleveland Terrace)* was sworn under oath and wanted to state that the mountain that they live on has a mind of its own. *Mr. Farber* continued his comments to state that this application has the possibility to be similar to the Seton Hall Preparatory application and does not believe that the applicants are well intentioned. Would like a guarantee that the balance of the mountain is being disturbed will not affect their properties.

Public Hearing Closed

- *Mr. Geffner* reiterated that safety is the main concern and that this “application speaks for itself.” *Mr. Geffner* also said that the applicants are willing to work with the neighbors on a landscape plan.

CONDITIONS:

- Zero (0) additional runoff;
- Plans would be revised to show stabilization mats;
- Drywells on property completely;
- Maintenance approval to Mr. John Hess;
- Landscape plan must be submitted prior to the Resolution being adopted September 15, 2022

Motion: Chairperson Neuer

Second: Mrs. A. Weiss

Eben:	Y	Straker:(Alt. 4)	-
Redwine:	Y	Sussman:	Y
Ricci:	-	Weiss:	Y
Schwarzbaum:	-	Chairperson Neuer:	Y
		Yes: 5; No: 0	

Notes: Application seeking “C” variances for new driveway and related improvements was approved with conditions at the 8/18/2022 Regular Meeting.

- *Chairperson Neuer* wanted to thank *Mrs. Weiss* again for joining the meeting last minute and then welcomed *Dr. and Mrs. Weinberg* to the West Orange community.

Chairperson Neuer adjourned the meeting at 10:32 PM.

Adopted:

2/16/2023

Diana Lyn Chandler
Diana L. Chandler, Secretary