

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING
OCTOBER 6, 2022
8:00 P.M.**

The West Orange Zoning Board of Adjustment held a special meeting on October 6, 2022 commencing 8:00PM utilizing the virtual Zoom platform.

Chairperson Philip D. Neuer called the meeting to order at approximately 8:03PM. 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,
Mark Sussman, Dr. Michael Straker, Irv Schwarzbaum Alice Weiss;

Absent: Peter Ricci (excused absence)

Also Present: Diana Marsh, Consulting Planner Director for Township
Paul Grygiel, Consulting Planner Director for Township (sworn under oath at 8:44PM)
Alice Beirne, Esq. Board Attorney
Diana L. Chandler, Board Secretary
Sarabraj S. Thapar, Public Advocate
John Hess, Consulting Engineer for the Township

ANNOUNCEMENTS

- Future Meetings: October 20, 2022 (Regular)
November 17, 2022 (Regular)
December 15, 2022 (Regular)

SWEARING IN

- Township Professionals, *Ms. Diana Marsh*, Consulting Township Planner and *Mr. John Hess*, Engineer were sworn under oath.

APPLICATIONS

1.) ZB- 21-21 Daughters of Israel Inc. (1155 Pleasant Valley Way) (Carried from 9/15/2022)

Block:171; Lot:12; Zone: R-2

1155 Pleasant Valley Way

Seeking C1, C2, and D Variances with preliminary and final site plan approval to redevelop the campus into a continuum of care community offering independent living, assisted living and skilled nursing components.

PRESENTATION

- *Mr. Howard Geneslaw, Esq.* entered on the record on behalf of the applicant.
- *Chairperson Neuer* asked the KDA files to be dated and asked *Ms. Chandler* to number items and send to *Mr. Geneslaw* for current submission.
- *Chairperson Neuer* referenced the legal issues letter *Ms. Beirne* will review and asked for circulation. *Mr. Halper's* previous testimony mentioned reports without verification reports for authentication.
- *Mr. J. Michael Petry, Civil Engineer* was sworn under oath and credentials were accepted by the Board. *Mr. Petry* then proceeded to explain each exhibit as they were presented.
- **EXHIBIT A1 Sheet 1 (Aerial, Tax, and Zoning Map, dated August 5, 2022)**
 - *Mr. Petry* gave a synopsis on the information regarding this property and the property lines.
- **EXHIBIT A1 Sheet 2 (Existing Conditions Steep Slopes Map, undated)**
 - *Mr. Petry* explained in detail that the storm and retention basin in the parking lot drains through the basin.
- **EXHIBIT A1 Sheet 3 (Proposed Conditions Steep Slopes Map, undated)**
 - *Mr. Petry* explained that in regards to the steep slope that only 9,000 square feet would be disturbed.
- **EXHIBIT A1 Sheet 4 (Overall Colorized Layout, dated October 29, 2021, revised May 20, 2022)**
 - *Mr. Petry* explained about the maintenance of two (2) driveways and reconfiguring utilities due to age in the parking area.
- **EXHIBIT A1 Sheet 5 (Layout Sheet, dated October 29, 2021, revised May 20, 2022)**
 - *Mr. Petry* testified stating that with 381 parking spaces they will be utilizing an "age in place" approach when it comes to the parking lot. The size of the spaces will be in the dimension of 9x18 with 2 feet width.
- **EXHIBIT A1 Sheet 6. Grading and Drainage Plan (dated October 29, 2021, revised May 20, 2022)**
 - *Mr. Petry* testified in regards to the additional drainage and features on the South and North sides, the new drainage system to make larger where they were permitted by cubic feet by districts. He also testified about the soil movement/sediment plan being less than a quarter of an acre.

It was at this time Mr. Petry had a technical issue and had to try and get back on Zoom. During this pause, at 8:44PM, Mr. Paul Grygiel joined the meeting and was sworn under oath.

- **EXHIBIT A1 Sheet 7. Lighting Plan (dated October 29, 2021, revised May 20, 2022)**
 - *Mr. Petry explained in detail the all-new LED features at a lower scale height of wires.*
- **EXHIBIT A1 Sheet 8. Lighting Details (dated October 29, 2021, revised May 20, 2022)**
 - *Mr. Petry went into detail about the LED features at a lower scale.*
- **EXHIBIT A1 Sheet 9. Overall Phasing Plan (dated May 20, 2022)**
 - *Mr. Petry said that this application is going to be completed in four (4) phases to maintain the building and still provide the services needed.*
- **EXHIBIT A1 Sheet 10. Exhibit "A" – Southern Driveway (dated June 9, 2022)**
 - *Mr. Petry said that this is in regards to Mr. Hess' report (dated June 22, 2022) to promote continuity. The applicant and Mr. Hess' office agree that the existing driveway is uncontrolled and have made changes which were circulated to Mr. Hess (for example the center island) to reduce the amount of pavement and uncontrolled surfaces there. This information was also suggested by Mr. Hess to be provided to Essex County Engineering Department for their approval as well.*
- **EXHIBIT A1 Sheet 11. Tree Removal Plan (dated October 29, 2021, revised May 20, 2022)**
 - *Mr. Petry said that his firm provided the location, sizing, and identification of trees that were in areas impacted by the original design. After submitting original design, there were modifications as Mr. Halper indicated in his previous testimony. There was a meeting with the neighbors where they could discuss their concerns and voice their intentions in response to this the goal from that point forward was to cut back the project to try and maintain it during those existing disturbed areas in turn removing less trees.*
 - *Mr. Petry went into detail about the variances that are being requested for this application: height (five stories) with a grade elevation of 57.5 feet where Mr. Petry explained that the only time you see the five stories in the parking. The rest of the building from a Pleasant Valley Way viewpoint will only appear as four stories; a reduction of lot coverage despite the fact that they are reducing which will bring an improvement under the existing conditions; a maximum wall height; the three separate loading spaces for refuse, recycling, and for the facility; and the disturbance of the steep slope. Ultimately proposing the removal of 153 major trees, 43 minor trees, and 40 dead trees. Only 2.3 acres of the wooded area will be disturbed in total.*
- **EXHIBIT A1 Sheet 12. Tree Removal List (dated October 29, 2021, revised May 20, 2022)**
 - *Mr. Petry displayed the layout of the trees deemed dead, sick, or being taken down in mainly the wooded area which were color coded on the plans.*

BREAK 9:22PM- 9:33PM

PROFESSIONALS QUESTIONS

- *Mr. John Hess* asked if the applicant agrees to address the issues in review letter dated June 20, 2022. *Mr. Petry* answered in the affirmative.
- *Mr. Hess* asked for confirmation that including Green Infrastructure would require a variance. *Mr. Petry* answered in the affirmative.
- *Mr. Hess* asked if there was a rainfall design to ensure compliance. *Mr. Petry* answered in the affirmative.
- No questions from *Mr. Grygiel*.

BOARD QUESTIONS

- *Mr. I. Schwarzbaum* asked about the distance in regards to Parson Drive in regards to Kessler Institute and Skyline Drive. To which *Mr. Petry* responded that Kessler is 80.97 feet away and Skyline Drive is 86.2 feet away.
- *Mr. I. Schwarzbaum* asked for further detail in the phases of construction. *Mr. Petry* referenced **EXHIBIT A1 Sheet 4 (Overall Colorized Layout, dated October 29, 2021, revised May 20, 2022)** again and explained that the four phases of construction are as follows: 1) Skilled nursing 2) Southeastern side of the property has five (5) stories over the parking 3) Balance of the parking area 4) Building four (4) stories
- *Mr. J. Eben* asked about the possibility of Kessler Institute, National Guard, and Daughters of Israel sharing parking during the phases of construction. *Mr. Petry* said that during Kessler's recent renovations alternative parking was facilitated with a shuttle service and he was pretty sure that if it came down to it, they would try to organize the same.
- *Mr. M. Sussman* asked a question in regards to the steep slopes and the percentage of the site expanded into the proposed variance. *Mr. Petry* said that only approximately 2.4% of the steep slope is going to be disturbed.
- *Chairperson Neuer* asked about the variance required for parking. *Mr. Geneslaw* said that it will be brought up with the Planner.
- *Chairperson Neuer* asked about employee parking. *Mr. Petry* said that there is overall parking required.
- *Chairperson Neuer* asked about EV credit. To which *Mr. Petry* responded that 10% (ten) of parking is required for Electric Vehicles.
- *Chairperson Neuer* asked about the hours of operation in regards to the loading dock. *Mr. Petry* opined that this question would be better suited for the operator.
- *Chairperson Neuer* asked if there is going to be any grading with in the front of the building. *Mr. Petry* said that there will be grading and that all utilities are going to be replaced afterwards.

PUBLIC ADVOCATE

- *Mr. Thapar* asked if the parking spaces are going to be assigned. *Mr. Petry* answered in the negative.
- *Mr. Thapar* asked in regards to the tree removal and replacement. *Mr. Petry* opined saying that this question would be better suited for the Architect.

PUBLIC QUESTIONS

- *Mr. Richard Webster, Esq.* was recognized by the Board on behalf of concerned resident *Loren Svetvillas* (*Mr. Webster* did not believe that *Mr. Svetvillas* resides within 200 feet of this property upon *Chairperson Neuer's* questioning.). *Chairperson Neuer* confirmed that *Mr. Webster* only represents *Mr. Svetvillas*'. *Mr. Webster* asked in regards to slopes and the reasoning behind the retaining walls being as *Mr. Petry* testified that the current slopes are "in bad condition". *Mr. Petry* said that the intention for the retaining walls is to stabilize the perimeter of the parking area. *Mr. Webster* asked if a study has taken place. In response, *Mr. Petry* said that he personally has walked the site and long the Kessler side this application is pushing the parking out towards them slightly which facilitates the wall in that location and finds the wall essential to help stabilize the slope in the condition it is today. *Mr. Webster* asked about specific trees listed as being "dead" on *Mr. Petry's* list being in his opinion "alive and well". *Mr. Webster* asked what the design for the stormwater system in regards to drainage. *Mr. Petry* said that it was by analyzing the property and the three 100-year storms and the regular flow conditions. *Mr. Webster* brought up the renovations and restructuring to meet a higher standard. Which *Mr. Petry* said that the architect had determined that use under the current criteria is past the point where it can be renovated for use. For his last question, *Mr. Webster* asked what design perimeters the client gave him in regards to this project. *Mr. Petry* responded that the client was looking for an overall comprehensive plan it included initial studies and what was going into that plan were prepared by the architect. *Mr. Petry* said his firm took the architect's conceptual site layout and geared it to work with engineering standards.
- *Mr. Kevin Malanga (57 Ridge Road)* confirmed that his property is not within 200 feet of the application site, then asked if there were specific trees in regards to the storm water line and if so, what is the method being taken for preservation. *Mr. Petry* said that if the forester sees an impact with the trees' ability to survive construction, but until we are aware cannot fully comment.
- *Mr. Mikiy Fabis (24 Skyline Drive)* asked for confirmation on the number of dead trees. *Mr. Petry* said there are approximately 240 dead trees.
- *Mr. Fabis* asked for confirmation on the location of the generator. *Mr. Petry* said that the architect would be better suited to answer.
- *Mr. Bill Fitts (16 Schmitt Road)* asked in confirmation that specific trees in question (50, 75 and 76) would retain those. *Mr. Petry* answered in the affirmative.
- *Ms. Zarah Khademi (4 Dawes Avenue)* asked if there is going to be a variance for parking. *Mr. Petry* answered in the affirmative.
- *Ms. Sally Malanga (57 Ridge Road)* asked in regards to the wall how many trees are being taken down and if eliminating the wall is possible. *Mr. Petry* answered in the negative that that there are approximately 20 trees coming down in that area.
- *Ms. Joyce Rudin (38 Woodland Avenue)* asked how three loading spaces are going to work in this location. *Mr. Petry* said that the loading areas have nothing to do with the use.

Mr. Petry's testimony as Civil Engineer concluded.

Chairperson Neuer announced that ZB-21-21 Daughters of Israel application was carried to the November 17, 2022 regular meeting with no further notice.

Chairperson Neuer adjourned the meeting at 11:00PM.

Adopted: *2/16/2023*

Diana Lyn Chandler
Diana L. Chandler, Secretary