

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

October 20, 2022

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on October 20, 2022 commencing 8:00PM utilizing the virtual Zoom platform.

Chairperson Phillip D. Neuer called the meeting to order at approximately 8:03 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, Mark Sussman

Absent: Peter Ricci (excused absence), Irv Schwarzbaum (excused absence),
Dr. Michael Straker (excused absence), Alice Weiss (excused absence),
Sarabraj S. Thapar, Public Advocate;

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

ANNOUNCEMENTS

- Future Meetings: November 17, 2022 (regular)
December 15, 2022 (regular)
- *Chairperson Neuer* announced that due to the lack in numbers of eligible voting members the attorney, *Mr. Roosevelt Donat, Esq.* for **ZB-21-01 – M. Vega** has chosen to carry the entirety of the application to January 19, 2023 Regular Meeting.

SWEARING IN

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

RESOLUTIONS

ZB 22-01 Siju/ 20 Lorelei Road
20 Lorelei Road
Block:172.03 ; Lot:23 ; Zone: R-5

(Approved 9/15/2022)

Motion: *Chairperson Neuer*

Second: *Mr. J. Redwine*

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

Application seeking "C" Variance for expansion of existing house was approved with conditions at the September 15, 2022 regular meeting. Resolution was adopted at the October 20, 2022 regular meeting.

APPLICATIONS

1.) ZB 21-07 Rozenfeld

(Carried from 7/21/2022)

1, 3, 5 Maple Avenue
Block: 161.02; Lot: 26; Zone: R-5
Seeking "c" variance for circular driveway

PRESENTATION

- *Ms. Rozenfeld* entered on the record with no further testimony in regards to the application seeking a "c" variance for a circular driveway.

NO BOARD QUESTIONS

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT

CONDITIONS:

- Applicant is bound by testimony.
- Prior to the completion of the Certificate of Completion all debris/garbage is to be taken care of to the satisfaction of the Zoning Official.

Motion: Chairperson Neuer

Second: Mr. J. Eben

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

2.) ZB-22-07 - CLPF-Essex Green LLC

495 Prospect Avenue

Block: 255.21; Lot: 40; Zone: P-C (Planned Commercial)

Amendment to Site Plan approved 4/11/2019 to add dumpster pad and add/change signage.

PRESENTATION

- *Mr. Francis X. Regan* entered on the record on behalf of the applicant. *Mr. Regan* then went into detail that this application is in regards to amending the site plan approved previously at the April 11, 2019 meeting and an application for a trash enclosure and additional signage.
- *Mr. Michael Fama, Senior Property Manager*, gave an overview of his role and gave testimony regarding the current configuration versus what the application proposes. In the new application, the trash will be taken to one localized spot where there is a need for supplemental garbage due to AMC which is located on the upper level.
- *Mr. Fama* testified in regards to signage stating that presently there are two signs (Northern at the main entrance Southern Pylon on the corner of Rooney Avenue and Prospect Avenue)
 - Northern Pylon sign has been rehabbed on site with no change to the sign area to the furthest extent that they can be in his opinion. Even though it was approved to be demolished and replaced with a digital sign, the owner's intention was to refresh what is existing in the meantime to improve aesthetics and look at an LED sign later on.
 - Southern Pylon sign has been demoed and rebuilt for plans that were previously approved by the Zoning Board in 2019.
- *Mr. Fama* also mentioned a supplemental monument that was approved in 2019 to go next to the Southern Pylon. The intention of changing signage at this time is to consolidate those two signs to look identical as the Northern Pylon.
- *Mr. Regan* and *Mr. Fama* discussed the AMC sign which was to be removed as per the 2019 approval and applicant is proposing to retain and refresh that as well to coordinate with other signs. It is slated in this application in its refurbishment to be used for shared tenant signage to increase in way finding and increase internal visibility while maintaining the existing signage area.

BOARD QUESTIONS

- *Chairperson Neuer* asked for elaboration on the "later date" comments for evaluation as there needs to be a focal point of the completion date. *Chairperson* also said that the LED sign was an attraction for the Board at the time of the previous approval. *Chairperson* then informed *Mr. Regan* that a condition of approval is going to be attaching a timeframe to which *Mr. Regan* agreed.

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

Mr. Fama's testimony concluded.

PRESENTATION

- *Mr. Michael Fowler, Engineer* was sworn under oath and credentials were accepted by the Board.
- *Mr. Fowler* referenced **Site Plan CS101 (revision date – June 30, 2022)** which was part of the submission packet where there would be 10x20 dumpster used by AMC to alleviate the necessity of using the dumpster at the lower level. It will be modeling itself after the design used by the Starbucks on the premises. Dumpster will be used by AMC and the upper-level tenants to alleviate the heavy use in the lower loading dock area.
- To make this possible, *Mr. Fowler* said that in order to accommodate the dumpster five (5) parking spaces from the lot will be taken away from their total. It was at this time *Mr. Fowler* testified further stating that with this change the footprint of Building B will not be changing. The modifications next to the court yard and Petco are not taking place as well as the addition of building closest to AMC.
- *Mr. Fowler* then displayed and testified in regards to the existing versus proposed signage based on the submission packet given to the Board.
 - *Mr. Fowler* showed side by side images of the North Plyon at the main entrance pointing out the cosmetic improvements which will be there until the time an LED sign will be installed in an unknown time period
 - *Mr. Fowler* testified while showing side by side images of the South Plyon where the addition of the base was revealed on the proposed image.
 - *Mr. Fowler* testified showing side by sides of the AMC Plyon Sign, pointing out the cosmetic improvements.

BOARD QUESTIONS

- *Chairperson Neuer* asked for confirmation on the location of the dumpster for garbage. *Mr. Fowler* confirmed that the dumpster will be located on a higher level to alleviate the need for stairs/ramps to negotiate balance in getting to the lower level.
- *Chairperson Neuer* asked for the reasoning behind the seven (7) feet wall. *Mr. Fowler* said that it is functional and aesthetic for screening purposes.
- *Chairperson Neuer* asked in regards to the signage if there was a Line-of-Sight analysis performed. To which *Mr. Fowler* responded that in regards to traffic, the signage is out of the sight line.
- *Mr. J. Eben* asked with the rules for ADA parking spaces changing in 2023 if the applicant comply with those changes. *Mr. Fowler* said that the proposed will meet the requirements and is confident of this compliance.
- *Mr. Eben* asked about the ability to drive in regards to the location of the dumpster. *Mr. Fowler* said that this would be similar to the one near Starbucks.

PROFESSIONALS QUESTIONS

- *Mr. John Hess* if the Zoning stats table errors are going to be corrected. *Mr. Fowler* answered in the affirmative.
- *Mr. Paul Grygiel* asked about the plaza area as the benefit of the previous application by having an outdoor space. *Mr. Regan* answered saying that the applicant has full intention to improve with what is proposed and needs to be changed. *Mr. Grygiel* said that it with every approval it seems that the timeline for these projects seem to be a “timeline chipping away”. It was at this time *Chairperson Neuer* said that he is unsure if he wants to approve of this application without a definitive timeline and or knowing what is going to be happening in the smaller location.

NO PUBLIC QUESTIONS

Mr. Fowler's testimony concluded.

PRESENTATION

- *Mr. Sean Moronski, Planner* was sworn under oath and credentials were accepted by the Board.
- *Mr. Moronski* testified referencing Sheet 101 with a revision date of August 13, 2021 that the dumpster and gate with height of the wall has two purposes. *Mr. Moronski* also testified referencing the North and South Plyon Signs updates to the Essex Green Boards.
- *Mr. Moronski* said in regards to the criteria for the property as there will be no interference with the line of sight in regards to the signage. He also stated that the sign and lighting for said signage is consistent with the Ordinance. He testified further stating that parking spaces will remain the same.

NO BOARD QUESTIONS

NO PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

- *Mr. Kevin Malanga (57 Ridge Road)* asked if the South Plyon sign is going to read "Essex Green" on the top and the bottom. *Mr. Moronski* answered in the affirmative that it is now shown on the plans as a merge of the two signs.
- *Mr. Malanga* asked if the dumpsters will have integral coverage. *Mr. Moronski* answered in the affirmative.

PUBLIC COMMENT

- *Mr. Kevin Malanga (57 Ridge Road)* was sworn under oath, and confirmed that he does not reside within 200 feet of the application property. *Mr. Malanga* asked for supplemental submission due to the fact that this application has a lot of "unknowns" in regards to what will actually be done and when different things will be taken care of.

BOARD DISCUSSION

- *Chairperson Neuer* made a motion to approve of application in part in regards to the installation of the dumpster and enclosure in the location where Building I is proposed to be built in the future. In the event that Building I is constructed, applicant will have to return to the Board to present a new location for this dumpster. At this time the *Chairperson* said the Board needs to know what is going to happen in respect to the Plaza next to Building B. Does not approve of a revision to the Site Plan which leaves Building B at the current size. Should applicant wish to have that done, a comprehensive plan will need to be given to explain what is going to be built (i.e. size and description of what it is going to be). As to signage, *Chairperson Neuer* recommended approving as part of the Resolution however, a timetable is needed in respect to the sign that was supposed to be removed and a timetable for the installation of the modernized sign at the main entrance.

Motion: Chairperson Neuer

Second: Mr. M. Sussman

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

Chairperson Neuer adjourned the meeting at 9:21 PM.

Adopted: *2/16/2023*

Diana Lyn Chandler
Diana L. Chandler, Secretary