

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

December 15, 2022

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on December 15, 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, Irv Schwarzbaum,
Dr. Michael Straker, Mark Sussman (8:20PM Arrival),
Alice Weiss

Absent: Peter Ricci (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: January 19, 2023 (Regular Meeting)
February 16, 2023 (Regular Meeting)
March 16, 2023 (Regular Meeting)
April 20, 2023 (Regular Meeting)
- *Chairperson Neuer* announced that **ZB-21-21 Daughters of Israel Inc.** is being carried to a tentative special meeting date of January 12, 2023. Meeting is pending until Board Members' reappointments etc. occur. In the event that meeting does not occur, application is carried to the January 19, 2023 Regular Meeting

MINUTES

June 16, 2022 Minutes

Motion: Chairperson Neuer

Second: I. Schwarzbaum

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

November 17, 2022 Minutes

Motion: Chairperson Neuer

Second: J. Eben

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

SWEARING IN

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

APPLICATIONS

- 1.) **ZB- 21-21 Daughters of Israel Inc. (1155 Pleasant Valley Way) (Carried from 11/17/2022)**

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. David Fowles, R.A., AIA* entered on the record, was sworn under oath and credentials were accepted with the condition that certification number should be on plans as per comments by *Mr. Eben*.

8:20PM Mr. Mark Sussman arrived at meeting.

- *Mr. Fowles* started his testimony by going through the architectural exhibits prepared and submitted to Board prior to the meeting. (**KDA Architectural Exhibits – Dated 11/2/2022**)
 - **A-2a- Existing Site Plan:** An explanation of the conditions on the property.
 - **A-2b- Proposed Site Plan:** To reinvent Daughters of Israel to active adult amenities community from solely assisted living with 182 apartments 22 assisted living and 80 skilled nursing rooms.
 - **A-2c- Lower-Level Plan:** parking garage, fitness center, support space and Independent Living Apartment Units
 - **A-2d- First Floor Plan (Main Level):** Independent Living Apartment Units, Common Spaces, Suite Acute Households, Support Spaces square footage of residential and administration services
 - **A-2e- Second Floor Plan:** Independent Living Apartment Unit households for skilled nursing
 - **A-2f- Third Floor Plan**
 - **A-2g- Fourth Floor Plan:** Independent Living Apartment Units and skilling nursing units
 - **A-2h- Roof Plan:** solar panels and a green roof area with screening examples
 - **A-2i- Southwest, South, and East Elevations**
 - **A-2j- Site Section A - Independent Living & Health Center Facing South**
 - **A-2k- Site Section B – Independent Living & Health Center Facing Southwest**
 - **A-2l- Site Section C – Independent Living & Health Center Facing Southwest**
 - **A-2m- Site Section D – Independent Living Facing West**
 - **A-2n- Street View North – Pleasant Valley Way (Winter)**
 - **A-2o- Street View North – Pleasant Valley Way (Summer)**
 - **A-2p- Street View South – Pleasant Valley Way (Winter)**
 - **A-2q- Street View South – Pleasant Valley Way (Summer)**
 - **A-2r- Existing View Looking South (Winter)**
 - **A-2s- Existing View Looking South (Summer)**
 - **A-2t- View Looking South (Winter)**
 - **A-2u- View Looking South (Summer)**
 - **A-2v- Existing View from West Neighborhood (Winter)**
 - **A-2w- Existing View from West Neighborhood**
 - **A-2x- View from West Neighborhood (Winter)**
 - **A-2y – View from West Neighborhood (Summer)**
 - **A-2z – Main Entry View**
 - **A-2aa – Landscape Plan**
 - **A-2bb- Sign Location Plan**
 - **A-2cc- Phase One, Phase Two, Phase Three and Four:** where *Mr. Fowles* testified that in total it will be six (6) years of construction if all phases proceed as expected.

After final exhibit these pages were entered into evidence without concerns by the Zoning Board of Adjustment as per Chairperson Neuer.

BOARD QUESTIONS

- *Chairperson Neuer* asked about the amount of dirt that is going to end up on Pleasant Valley Way. *Mr. Fowles* answered that he is unsure on the methodology of the contractor

PROFESSIONALS QUESTIONS

- No questions from *Mr. Hess*.
- *Mr. P. Grygiel* asked about bike storage and *Mr. Fowles* said that there is going to be an undetermined square footage of storage for each resident they are planning on counting bikes in that calculation.

PUBLIC ADVOCATE

- *Mr. Thapar* asked about the tree removal plan and particulars. To which *Mr. Fowles* responded displaying the Landscape Plan as a source.
- *Mr. Thapar* asked for the reasoning behind the amount of green roof. *Mr. Fowles* said that it was designed like that to maximize the view of the neighbors and the space.

Chairperson Neuer said that questions for Mr. Fowles will be continued to their next appearance before the Board. Chairperson then reiterated the previous announcement that ZB-21-21 Daughters of Israel Inc. is being carried to a tentative special meeting date of January 12, 2023. Meeting is pending until Board Members reappointments etc. will be occurring in the event that meeting does not occur, application is carried to the January 19, 2023 Regular Meeting.

Break 9:28-9:34PM

Public Advocate S. Thapar left meeting during the break.

2.) ZB-22-08/Flores (156 Main Street)

(Carried from 11/17/2022)

Block: 89; Lot: 21; Zone: B-1

156 Main Street

Seeking variances for construction of a new two-family dwelling.

PRESENTATION

Mr. Frank Guagliardi, Esq entered on the record gave brief summary of the application asking for an exemption for Site Plan

Ms. Sandra Caceres, PE, Engineer entered on the record, was sworn under oath and credentials were confirmed as an expert in her field.

BOARD QUESTIONS

- *Chairperson Neuer* asked what the conditions of the other homes are and how many others are two family dwellings with side yard variances. *Ms. Caceres* said she is unsure.
- *Mr. J. Redwine* asked how many houses on this street have driveways or curb cuts. *Ms. Caceres* said that she observed two or three near Wilmans Auto Shop.
- *Mr. Redwine* asked who would be issuing the permission for the curb cutting. *Ms. Caceres* said that she believes it would be through the Town but unsure.
- *Mr. Redwine* asked what kind of service line the home would have (i.e., gas or electric). *Ms. Caceres* was unsure.
- *Mrs. A. Weiss* asked for the difference in calculations between a one (1) family versus a two (2) family structure being built. *Ms. Caceres* said that for a two (2) family the calculations are 75 ft x 7,500ft and for a one (1) family the calculations are 50ft by 5000ft. *Mrs. Weiss* followed up by asking for the reasoning behind a two

(2) family home. *Mr. Guagliardi* said that the main reason as per his client is because they are surrounded by other two (2) family homes and should be constructed to stay consistent with the area.

- *Mr. Eben* asked about the small concrete steps out front. He assumes that they will be removed upon construction to construct a slope to turn it into a driveway.

PROFESSIONALS QUESTIONS

- *Mr. Grygiel* asked about the property vacancies and how long the time span will be. *Ms. Cacares* said that she is unsure as it depends on how long it takes to get approval.
- *Mr. J. Hess* had no questions.

PUBLIC QUESTIONS

- *Ms. Megan Brill* (1 Oak Crest Road) asked about a garage and how is parking going to be implemented. *Ms. Cacares* said that they intend on dealing with implementation after the time of construction.
- *Mr. Kevin Malanga* (57 Ridge Road) confirmed that he does not own property within 200 feet of the property in question. He then asked about the architectural space between two vehicles. To which *Ms. Cacares* said that there are feet between vehicles. *Mr. Malanga* then asked if there is going to be a hot water heater on the premises. *Ms. Cacares* said that she believes there are two (2) but *Chairperson Neuer* suggested that *Mr. Malanga* suggested that *Mr. Malanga* save this question for the architect.
- *Mr. Joseph Vena* (34 Stone Drive) asked about how much parking is actually available on the premises. *Ms. Cacares* said that there are two (2) outside two (2) inside. *Mr. Vena* followed up by stating that he believes that the tandem parking is not allowed. *Mr. Grygiel* opined stating that he is unsure of the truth to *Mr. Vena's* statement.

Chairperson Neuer announced that ZB-22-08/Flores (156 Main Street) is being carried to the February 16, 2023 Regular Meeting.

3) ZB-22-09 89 Ashland Avenue LLC (87-89 Ashland Avenue)

Block: 61; Lot: 44 & 45; Zone: I

Seeking Preliminary and Final Site Plan Approval with “c” and “d” variances to construct building addition to accommodate two additional dwelling units.

PRESENTATION

- *Mr. Richard Schkolnick, Esq.*, entered on the record on behalf of the applicant and offered a summary of the proposal for the expansion of units.
- *Mr. Joaquin Bouzas, AIA*, Architect entered on the record, was sworn under oath and credentials were confirmed as an expert in his field. He then compared the existing and proposed Site Plans and Floor Plans.

BOARD QUESTIONS

- *Mr. Eben* asked if the brick façade is going to be full or partial. *Mr. Bouzas* said that it will be full.
- *Mr. Eben* asked how the brick is going to be supported. To which *Mr. Bouzas* said that steel beams will be used.

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

Mr. Bouzas' testimony concluded.

It was during this time period that Mr. Schkolnick raised #11 in Mr. Hess' letter dated November 28, 2022. Which is permissible and will be taken care of when approval is given.

PRESENTATION

- *Mr. Anthony Marucci, P.E., P.P.*, Engineer and Planner entered on the record, was sworn under oath and credentials were confirmed as an expert in his field. *Mr. Marucci* provided information in regards to the existing conditions and the proposed details for the application.
- *Mr. Marucci* testified utilizing Sheet 3 (Grading/Drainage) stating that this is to formalize drainage
- In regards to planning testimony, *Mr. Marucci* said that this is a change of use and opined that it a non-conforming use that the businesses open space in the rear will be of use when it comes to parking and business. He opined further that in regards to the Master Plan, the principal of this plan complies with respect to the pipes and sizes for support of local businesses.

BOARD QUESTIONS

- *Mr. I. Schwarzbaum* asked how many existing bedrooms there are in the units. *Mr. Marucci* said that they are all one (1) bedroom units. *Mr. Schwarzbaum* asked about the logistics behind the fifteen (15) spaces. *Mr. Marucci* said that the reasoning is that it is part of the Residential Site Improvement Standards (RSIS) requirements.
- *Mr. J. Redwine* asked what kind of systems for utilities are used. *Mr. Marucci* answered that electric and natural gas are what will be used on the addition. *Mr. Redwine* asked if the applicant would be willing to accept as a condition to only install a gas furnace a gas stove in the units and have all other appliances be electric. *Mr. Bouzas* reappeared on the record and said that it is a possibility if applicant agrees.

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

It was at this time, Mr. Schkolnick asked Mr. Ench, applicant be sworn under oath. He was, and testified in regards to the total renovation and usage of natural gas for the furnace and stoves but the hot water heater and all other utilities are electric. Mr. Ench confirmed that he wants the components of this application to mirror the adjacent property.

NO PUBLIC COMMENT

Chairperson Neuer declared the public hearing closed.

BOARD DISCUSSION

- *Chairperson Neuer* discussed Electric Vehicle charging spaces on the property, improvements to drainage, the use being suited for the property, the lack of a negative impact on impervious coverage, acceptable findings in regards to parking and overflow, and gave confirmation that all of the negative criteria in regards to this application has been met.

CONDITIONS

- Install only gas furnace and stoves in units. All other appliances are to be electric.
- All conditions are to be printed on plans (to which *Mr. Marucci* agreed)
- Applicant will be bound by the exhibits.

Motion: Chairperson Neuer

Second: A. Weiss

Eben:	Y	Straker:(Alt. 4)	-
Redwine:	Y	Sussman:	Y
Ricci:	-	Weiss:	Y
Schwarzbaum:	Y	Chairperson Neuer:	Y
		Yes: 6 ; No: 0	

Chairperson Neuer adjourned the meeting at 11:09 PM.

Adopted:

2/16/2023

Diana Lyn Chandler
Diana L. Chandler, Secretary