

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT SPECIAL MEETING

January 12, 2023

8:00 P.M.

The West Orange Zoning Board of Adjustment held a Special Meeting on January 12, 2023, commencing at 8:00 PM utilizing the virtual Zoom platform.

Chairperson Philip D. Neuer called the meeting to order at approximately 8:05 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 stand for the Pledge of Allegiance.

Alice Beirne, Esq. Board Attorney read the opening statement.

Present: William Michael Barbee, Jerome Eben, Philip D. Neuer, Peter Scalora,
Irv Schwarzbaum, Mark Sussman, Alice Weiss

Absent: Peter Ricci (excused)

Also Present: Paul Grygiel, Consulting Planner for the Township
John Hess, Consulting Engineer for the Township
Alice Beirne, Esq., Board Attorney
Diana L. Chandler, Board Secretary

ANNOUNCEMENTS

Future Meetings: January 19, 2023 (Regular Meeting)
February 16, 2023 (Regular Meeting)
March 16, 2023 (Regular Meeting)
April 20, 2023 (Regular Meeting)

SWEARING IN

Township Professionals *Mr. Paul Grygiel* and *Mr. John Hess* were sworn under oath. *Mr. Irv Schwarzbaum* (Board Member), *Mr. William Michael Barbee* (Board Member), and *Mr. Peter Scalora* (Alternate #2) were sworn under oath due to their reappointment and appointments to the Zoning Board.

ANNUAL REORGANIZATION

- **Appointment of Chairperson, Philip Neuer**
Mr. Irv Schwarzbaum nominated Philip Neuer as Chairperson.
There were no other nominations for Chairperson.
Motion: I. Schwarzbaum
Second: A. Weiss
APPROVED all to none.

- **Appointment of Vice-Chairman, Irv Schwarzbaum**
There were no other nominations.
Motion: Chairperson Neuer
Second: A. Weiss
APPROVED all to none.

- **Appointment of Board Secretary, Diana L. Chandler**
Chairperson Neuer nominated *Ms. Diana L. Chandler* as the Board Secretary.
There were no other nominations.
Motion: Chairperson Neuer
Second: A. Weiss
APPROVED all to none.

- **Appointment of Board Attorney, Alice Beirne**
Chairperson Neuer nominated *Ms. Alice Beirne* as Zoning Board Attorney.
There were no other nominations.
Motion: Chairperson Neuer
Second: A. Weiss
APPROVED all to none.

- **Appointing Site Plan Review Advisory Board Representative**
Chairperson Neuer nominated *Mr. Schwarzbaum* as the Site Plan Review Advisory Board's Zoning Board Representative. There were no other nominations/volunteers.
Mr. Schwarzbaum accepted.

- **Appointing SPRAB Alternate Representative**
Chairperson Neuer accepted the position with the Chair's prerogative to do so.

APPLICATIONS

- 1.) **ZB- 21-21 Daughters of Israel Inc. (1155 Pleasant Valley Way) (Carried from 12/15/2022)**

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.

• *PREVIOUS MEETING (12/15/22) EXHIBITS*

- **(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.

PRESENTATION

- *Mr. Howard D. Geneslaw, Esq.* entered on record on behalf of the applicant. He gave a brief summation of previous testimony and explained a bit about an updated landscaping and tree removal plan which has yet to be updated/ submitted.
- *Mr. David Fowles, Architect* gave previous testimony but was not able to field questions due to time restrictions. *Mr. Geneslaw* and *Mr. Fowles* did some redirects as a response based on the previous meeting's questions from the Board and Professionals. *Mr. Fowles* was sworn under oath again and confirmed that his credentials remained the same. Based on questions from the December 15, 2022 meeting, *Mr. Fowles* confirmed that KDA does not have a certificate of authorization nor are they required to have this authorization. In regards to the HVAC system and its noise level, *Mr. Fowles* said that the new facility will be from the ground up and will comply with both West Orange and the State's noise ordinances. All preparation will be done via phasing. Phases One and Two will be to work around nursing and the safety of staff. The applicant is asking for a total of ten (10) years to be safe for completeness purposes but anticipates it takes only six (6) years of outdoor construction to take place. Outdoor construction would pause when one building is up and resume when the units are filled.

BOARD QUESTIONS

- *Chairperson Neuer* asked if there were calculations done regarding the time of completion for the project. *Mr. Geneslaw* said yes that the calculations provided are to allow residents to remain on the premises at the facility as relocating them is not appropriate. At this time, *Chairperson Neuer* suggested a possible condition that no new residents are admitted during construction. *Mr. Geneslaw* responded that he would make no such agreement without speaking with his client directly.
- *Mr. I. Schwarzbaum* asked for confirmation on the four phases of construction. *Mr. Fowles* reiterated the timeline associated with them.
 - Phase One (1) would be enabling work as preparation for construction. He believes that this phase should take approximately two (2) years and it will go through the Department of Health for the State of New Jersey.
 - Phase Two (2) is for the independent living areas. In his opinion, it should take approximately two (2) years to complete.
 - Phase three (3) would be for the construction of the apartments. In his opinion, it should take approximately one (1) year.
 - Phase four (4) which will include the construction of the senior apartments, should take approximately one (1) year to complete.
- *Mr. W.M. Barbee* asked about the noise levels for four years of construction, traffic, and debris. *Chairperson* reminded *Mr. Barbee* that this expert is not the person to direct this question to.

NO PROFESSIONALS QUESTIONS

PUBLIC ADVOCATE

- *Mr. Thapar* asked if the images in the site map rendering were used with a drone. *Mr. Fowles* said images were done with the site map, CAD Program, and Google. *Mr. Thapar* asked about the gap time and how much actual construction time will be taking place. *Mr. Fowles* responded that if butted together, it would be six (6) years and four (4) years of actual work. *Mr. Thapar* asked about the decibel levels of sound presently versus what is proposed. *Mr. Fowles* said that he does not have that information.

PUBLIC QUESTIONS

- *Mr. Richard Webster Esq.* (attorney for *Mr. Loren Svetvillas*) asked who came up with the number of beds in the plans. *Mr. Fowles* answered that the consultant hired by Daughters of Israel did and designed this based on their team design meetings and reports.
- *Mr. Kevin Malanga* (53 Ridge Road) asked for confirmation of where the employee entrance and parking are located. *Mr. Fowles* said that the employee parking is near the loading dock with multiple entrances. *Mr. Malanga* asked what framing materials will be used. *Mr. Fowles* said that they will be utilizing noncombustible metals for the health center. He also stated that the apartments on the first level will be using a combination of steel and concrete and the apartments on the second level will be using a combination of metals and wood. *Mr. Malanga* asked for confirmation on when landscaping will be completed and what tools will be used. *Mr. Fowles* said that it will be completed by phase and stated that he is unsure of what tools will be used as he is not a landscape architect.
- *Ms. Zasad Khademi* (4 Dawes Avenue) stated that she is unsure of the accuracy of the drawings and cited Sheet A21 with the slope and surrounding trees. *Mr. Fowles* said that he would look into this but believes the drawings are accurate. *Ms. Khademi* asked about the equipment for noise in between phases and the noise ordinances. *Mr. Fowles* said that HVAC equipment on the roof would be new and quieter after construction than what is currently there. *Mr. Fowles* testified further stating that the contractor must adhere to the Noise Ordinance requirements for the State of New Jersey and the Township of West Orange.
- *Ms. Renee Faibis* (24 Skyline Drive) confirmed that her property is within 200 feet of the application site. She asked where the HVAC and generator will be located. *Mr. Fowles* said that the generator will be by the loading dock and referenced Sheet A2b. *Ms. Faibis* asked if the building height will have the same number of heights and floors for each building. *Mr. Fowles* confirmed that they will be at the same elevation. *Ms. Faibis* asked for an explanation on the kinds of trees being cut and replaced to which *Mr. Fowles* said that he did not prepare the tree report and cannot comment on it. *Ms. Faibis* questioned the time of year for construction. *Mr. Fowles* said that he is unsure. *Ms. Faibis* opined that the view from Skyline Drive in Sheet A2b is incorrect. Board Member, *Mr. Sussman* answered stating that the cross-section is not incorrect so based on that neither is the drawing.

Break 9:38-9:49 PM

PUBLIC QUESTIONS (Continued)

- *Ms. Joyce Rudin* (35 Woodland Avenue) asked if Daughters of Israel is in charge of the redevelopment. *Mr. Fowles* said yes. *Ms. Rudin* asked about the market rates for residents once completed. *Mr. Fowles* said that he was only the architect and would

- not offer a response. *Ms. Rudin* asked for a reason behind only 35% of the roof being green or solar. *Mr. Fowles* said it is because of the machinery being on the roof.
- *Ms. Sally Malanga (53 Ridge Road)* asked if one of the contingencies to this application is that the Daughters of Israel will not be allowed to raise funds. *Mr. Fowles* said that he does not know their business model.
 - *Mr. Robert Rashkes (35 Oakcrest Road)* asked why 20-23 independent living residents are ideal. *Mr. Fowles* said that it is based on the operational model. *Mr. Rashkes* asked about the location of kitchens or kitchenettes. *Mr. Fowles* said that they would only be in certain areas to feel like a home for the residents.
 - *Rabbi Marc Rubin (35 Woodland Avenue)* asked for insight in regards to the accommodations for the handicapped and infirmed during construction. *Mr. Fowles* said that the applicant will comply with all of the Americans with Disabilities Act (ADA) requirements.

Mr. Geneslaw offered a redirect, to sum up loose ends regarding Mr. Fowles's testimony. In it, they confirmed that: Mr. Fowles has experience in designs of this nature. An application in this scale is typical in phases based on previous work. Finally, all materials will be designed to be used up to code.

PRESENTATION

- *Mr. Connor Hughes*, Traffic Engineer Consultant, was sworn under oath and his credentials were accepted.
- *Mr. Hughes* said that the traffic on Pleasant Valley Way will decrease by hastening the timing device in the traffic light by three (3) seconds. He said that he thinks moving things along will be at a better speed.
- *Mr. Hughes* admitted that there are no guarantees that officials will agree to speed up the time switches for the traffic signal. *Mr. Hughes* said that he has no power over that as Pleasant Valley Way is an Essex County-owned road.

BOARD QUESTIONS

- *Chairperson Neuer* asked if there was a trip analysis compared to the traffic report. *Mr. Hughes* said that there was and said that they were very similar to each other.
- *Mr. I. Schwarzbaum* asked for confirmation that Route 10 is a state road. *Mr. Hughes* answered in the affirmative. *Mr. Schwarzbaum* asked for confirmation on the number of employees. *Chairperson* said that this was not part of his testimony. *Mr. I. Schwarzbaum* asked what is the usual age for retirement. *Mr. Hughes* said that data was in the covered use.
- *Chairperson Neuer* asked if there was an analysis of the uses of the amenities done. *Mr. Hughes* said yes.

PROFESSIONALS QUESTIONS

- *Mr. Grygiel* had no questions
- *Mr. Hess* asked for confirmation of the date of the traffic report. *Mr. Hughes* answered May 6, 2022, and it will be utilized for a few decades. *Mr. Hess* also requested that there are inconsistencies in testimony so a resubmission should be made.

PUBLIC ADVOCATE

- *Mr. Thapar* asked for the reasoning behind not getting the real data results. *Mr. Hughes* said that the traffic counts done within the year are usually relevant and he believes that they are still in the current conditions.

PUBLIC QUESTIONS

- *Ms. Zasah Khademi (4 Dawes Avenue)* raised an issue with numbering in the traffic counts as she was confused by the calculations. *Mr. Hughes* said that calculations were based on study during the peak hours in the morning and afternoon and are indeed correct. *Mr. Geneslaw* said that this does not reflect the study.
- *Mr. Robert Rashkes (35 Oak Crest Road)* asked if schools were open at the time of the study. *Mr. Hughes* answered in the negative and opined to say that he is not sure if that would affect the study.
- *Mr. Richard Webster, Esq.* on behalf of *Mr. Loren Svetillas (699 Prospect Avenue)* asked about the changes between 2022 to today. *Mr. Hughes* said that the only change is in the number of trips. *Mr. Webster* asked if the units would increase or decrease. *Mr. Hughes* said that the application proposes 326 units where currently only 306 units are there. *Mr. Webster* asked for a breakdown of the types of care/units on the property. *Mr. Hughes* said that he was not provided that information.

Chairperson Neuer announced that ZB-21-21 Daughters of Israel is being adjourned to the January 19, 2023, Regular Meeting with no further notice.

Chairman Neuer adjourned the meeting at 11:12 PM.

Adopted:

6/15/2023

Diana Lyn Chandler
Diana L. Chandler, Secretary