

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING
January 19, 2023
8:00 P.M.

The West Orange Zoning Board of Adjustment held a Regular Meeting on January 19, 2023, commencing at 8:00 PM utilizing the virtual Zoom platform.

Vice Chairperson Irv Schwarzbaum called the meeting to order at approximately 8:02 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."

Vice Chairperson Irv Schwarzbaum asked everyone to please stand for the Pledge of Allegiance. Alice Beirne, Esq. Board Attorney read the opening statement.

ROLL CALL

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: February 9, 2023 (Special 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** will have a special meeting via Zoom on Thursday, February 9, 2023, at 8:00 PM.
- *Chairperson Neuer* acknowledged *Mr. Robert Gaccione, Esq.* (on behalf of the applicant) and allowed him to enter on the record to explain that due to a merge of the lots asked that application **ZB-22-11 Kibutu/ 46 Greenwood Avenue** be withdrawn without prejudice to refile with the Planning Board. Chairperson agreed and announced it formally on the record.

SWEARING IN

Township Professionals *Mr. Paul Grygiel* and *Mr. John Hess* were sworn under oath.

RESOLUTION

ZB-22-09 89 Ashland Avenue LLC (87-89 Ashland Avenue) (Approved 12/15/22)
Block: 61; Lot: 44 & 45; Zone: I

Seeking Preliminary and Final Site Plan Approval with "c" and "d" variances to construct a building addition to accommodate two additional dwelling units was approved with conditions at the December 15, 2022, Regular Meeting.

Motion: I. Schwarzbaum

Second: M. Sussman

Barbee:	-	Sussman:	Yes
Eben:	No	Weiss:	Yes
Ricci:	-	Chairman Neuer:	Yes
Scalora (Alt. 2)	-		
Schwarzbaum:	Yes		

APPLICATIONS

1.) ZB 21-01 M Vega Investments LLC/66 Franklin Avenue (Carried from 10/20/2022)
66 Franklin Avenue

Block: 134.02; Lot: 75.03, 79, 81; Zone: B-1

Seeking "c" and "d" variances for modifications to property with mixed uses.

PRESENTATION

Ms. Lisa Lomelo, Esq. entered on the record on behalf of the applicant. She gave a summary of this application and gave an update on the revision stating that the applicant has removed the parking space for truck turning and that all equipment for this landscaping business will be put away in storage trailers on site. *Chairperson Neuer* confirmed that the applicant/counsel has received the CME Review #5 (Dated October 12, 2022) letter and there have been no new plans or submissions for this meeting. *Ms. Lomelo* said that is correct and confirmed that October 4, 2022, was the last revision to the plans.

Ms. Afton Savitz, Civil Engineer entered on record, was sworn under oath, and confirmed that there were no changes to credentials and licenses. *Ms. Savitz* confirmed the revision date of plans, October 4, 2022, and went through the revisions.

- *Ms. Savitz* referenced Page four (4) of the Site Plan set dated October 12, 2022 (C-4) and said that they have worked diligently with the Board Professionals to address the concerns in CME Review #5 (Dated October 12, 2022). She stated that coming out of the last hearing, the feedback was heard from the Board and referenced the Southwest portion of the property. The only change was to remove and incorporate green space in the aforementioned portion where, in previous submissions, was a standard 9x18 parking space with the maneuver being difficult. Overall, the change made it so ten (10) spaces are being proposed to meet the ten (10) space parking requirement.
- *Ms. Lomelo* confirmed that number five (5) on CME Review #5 (Dated October 12, 2022) was the only change to the Site Plan. Truck turn exhibits were referenced and

previously reviewed. In terms of the site's operation, the applicant agrees to use the parking spaces on the site, as suggested in the review letter and agrees to have trailers in spaces along the rear of the site. Assigned spaces have been included for residential parking. *Ms. Lomelo* confirmed that the witness, *Ms. Savitz*, testified to all of the changes in the plans; in terms of the review letter, she believes those were already addressed at previous hearings.

BOARD QUESTIONS

- *Chairperson Neuer* asked about the status of a solid waste management plan for CME Review #5 (Dated October 12, 2022). According to the review, it states that "one will be submitted." *Chairperson* confirmed with *Mr. Hess* that this has not been submitted. *Ms. Savitz* said that it has not been submitted yet. However, he did testify to the trash being managed by a private hauler and put to the curb. *Chairperson* asked when this will be taken care of. *Ms. Savitz* said that it will be completed in advance of construction as a part of resolution compliance.
- *Chairperson* asked if anything regarding the COAH Ordinance (i.e.: an application) was submitted. There was no response from *Ms. Savitz*, so *Chairperson* deferred to *Mr. Grygiel* who said that nothing has been submitted to him as far as compliance. He stated for the record that this project would be subject to the Developer's Fees Ordinance for non-residential and residential portions of the development which are usually dealt with at Building permit time when applying for building permits. But, *Mr. Grygiel* stated that there is no requirement for affordable unit housing with this project. *Chairperson* asked *Ms. Lomelo* if there will be an issue in complying with the Ordinance. *Ms. Lomelo* answered absolutely not.
- *Chairperson* brought up with *Mr. Hess* Item 2A on page four (4) of CME Review #5 (Dated October 12, 2022) the waiver for the contours to extend 200 feet and if there are any issues. *Mr. Hess* said that he has no issue with that waiver. *Chairperson* announced that the waiver is granted. *Chairperson* brought up waiver 2-b which *Mr. Hess* also said that he had no objection to that request.
- *Chairperson* brought up the sustainability checklist which testimony said that testimony will be provided. He asked *Ms. Lomelo* who will be testifying in which she answered that there is a waiver required on that but is willing to have the architect provide indirect testimony to that issue as well. *Chairperson* said that he is not going to universally grant that waiver and would prefer to let the Board make that decision even though authorized to do so. *Chairperson* reiterated that sustainability is an important issue in the community and will wait to hear the testimony before potential issuance. *Chairperson* asked if the architectural plans have been revised as there is still a comment. *Mr. Hess* confirmed that he has yet to receive signed and sealed plans. *Ms. Lomelo* said on August 15, 2022, there was a submission with the architectural block revised for the Zoning Board that was submitted by *Mr. Nick Salerno, Architect*. There was a signature block as per *Ms. Lomelo* but deferred to *Mr. Salerno* regarding the seal. *Chairperson* referenced page four (4); item number five (5) *Ms. Savitz* proposed gate detail will not be submitted until after the Board determines to approve; He asked why the Board cannot have that detail. *Ms. Savitz* said that the applicant is prepared to work very closely with the Board and Engineer to be sure that the gate installed is as desired. The gate has already, in her opinion, been revised to work in accordance with the proposed parking not to have any conflict, and details related to that will be reviewed by the Board. *Chairperson* referenced page five (5) paragraph eight (8) for the applicant to consolidate the three (3) existing tax lots into one (1), a deed would need to be submitted and approved by the Board Attorney. *Ms. Lomelo* agreed and said a deed would be drafted and submitted for review after approval was granted.

NO PROFESSIONALS QUESTIONS
NO PUBLIC ADVOCATE QUESTIONS
NO PUBLIC QUESTIONS

PRESENTATION

Mr. Nick Salerno, Architect entered the record, was sworn under oath, and confirmed that there was no change to his credentials.

- *Mr. Salerno* said that signed and sealed plans sent directly to *Mr. Hess* are not an issue.
- *Mr. Salerno* said that a sustainability checklist will be submitted to the Board.

BOARD QUESTIONS

- *Mr. J. Eben* commented on the stairway risers and how they don't match and whether he will be correcting the drawings. *Mr. Salerno* said that the stairways are designed floor to floor by height but will check and resubmit if there is an error. *Mr. Eben* asked if the Fire Department looked at and offered comments on the window access based on the dimensions of the windows. *Chairperson* asked *Ms. Chandler* to submit information to the West Orange Fire Department for their opinion. She agreed.

NO PROFESSIONALS QUESTIONS

- Only comment was from *Mr. Paul Grygiel* reminding him to submit a new sustainability checklist.

NO PUBLIC ADVOCATE QUESTIONS

NO PUBLIC QUESTIONS

PRESENTATION

- *Mr. Manny Vega* was sworn under oath and testified stating that he was unaware of not complying. He then confirmed with *Ms. Lomelo* to keep equipment indoors and stay away from the elements. If he discovers that there is more equipment than space allows then he will use his additional site in Orange, NJ.

BOARD QUESTIONS

- *Mr. J. Eben* asked if *Mr. Vega* is a contractor. *Mr. Vega* answered that he is a Landscape Architect. *Mr. Eben* asked if the items in storage are flammable as per the building code with mixed uses. *Chairperson Neuer* asked *Ms. Chandler* to reach out to someone within the municipality. She agreed to do so.

NO PROFESSIONALS QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTIONS

- *Mr. Kevin Malanga (53 Ridge Road)* asked when *Mr. Vega* purchased the company. *Mr. Vega* said that he purchased it in 2019. *Mr. Malanga* asked if the violation was because of the trucks and if he got a summons. *Mr. Vega* answered in the affirmative to both questions but only received the summons after purchasing the property. *Mr. Malanga* asked what the result of the summons was. *Mr. Vega* said the result is to pay a fine.

Chairperson Neuer announced that Application ZB-21-01 M. Vega is carried to February 16, 2023, Regular Meeting with no further notice.

- 2.) **ZB-22-10 Gill/ 13 Bellevue Terrace**
Block:148.09; Lots: 16&17 ; Zone: R-6
13 Bellevue Terrace
Seeking "c" variance for expansion of the existing house.

PRESENTATION

- *Mr. Peter Wilcox, Architect, Ms. Elizabeth, and Mr. Glen Gill* entered on the record and were sworn under oath. *Mr. Wilcox's* credentials were provided and was accepted as an expert in the field of Architecture.
- *Ms. Gill* testified saying that the home was purchased in 2007. She stated that due to the needs for their family changing and growing, the property needed to adapt along with it, thus the need for an additional bathroom and workspace in the rear of the house to be constructed.
- *Mr. Wilcox* said referencing Site Plan (Dated January 15, 2022) that this addition keeps the integrity of the house. There is no problem with building coverage as the house was built before the Ordinance where yard setbacks originated. The application site is in the shape of an "L" and opined that the addition will have minimal effect on the neighborhood.

BOARD QUESTIONS

- *Chairperson Neuer* asked how many bedrooms are in the house. *Ms. Gill* said there were three (3). *Chairperson* asked for the number of cars in the garage and how many cars can fit in the driveway. *Ms. Gill* said there is room in the garage for one (1) car and the driveway can fit three (3) cars. *Chairperson Neuer* then asked *Mr. Grygiel* to confirm that there are no issues, which he did.
- *Mrs. Weiss* asked what their neighbors' reactions were. *Ms. Gill* said that neighbors on both sides of the property are in favor of the application and she has not received any negative feedback.

NO PROFESSIONALS QUESTIONS
NO PUBLIC ADVOCATE QUESTIONS
NO PUBLIC QUESTIONS

NO PUBLIC COMMENT

CONDITIONS:

- Debris is to be taken care of prior to the issuance of a Certificate of Occupancy.

Motion: Chairperson Neuer moved to approve the application subject to the stated condition.

Second: A. Weiss

Barbee:	Y	Schwarzbaum:	Y
Eben:	Y	Sussman:	Y
Ricci:	-	Weiss:	Y
Scalora (Alt. 2)		Chairman Neuer:	Y
		Yes: 6; No:0	

Break 9:28-9:40 PM

3.) ZB- 21-21 Daughters of Israel Inc. (1155 Pleasant Valley Way) (Carried from 1/12/2023)

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 skilled 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 Geneslaw, Esq.* entered on the record on behalf of the applicant and gave a brief summation of previous testimony.
- *Mr. David Stafford, Chief Financial Officer of Daughters of Israel* entered on the record, credentials accepted, and began his testimony. Mr. Stafford explained that he began his involvement with Daughters of Israel in 2017 to do an investigation based on serving the West Orange community now and in the future.
- *Mr. Stafford* stated that the mission of the organization is that Daughters of Israel is a “mission-driven community” with referrals from neighboring communities and residents coming from all different areas of Essex County. The site existing today has been expanded to 303 nursing beds and is consistently updated to maintain the facility. However, in doing the research, the needs of this facility changed as fewer seniors live with their children, and Daughters of Israel wants to serve, but not change, the mission. The median age of a resident is 78-82 years old and the goal for the resident is to never have to move again.
- *Mr. Stafford* referenced in his testimony some of the amenities the proposed addition will bring. For example, a community center will have a pub, an assortment of restaurants, and a gym; he stated that residents “do not want to isolate themselves” as spaces in this amenity will be available to guests (most likely adults, children, and family members).
- *Mr. Stafford* testified further regarding the employees and their shifts. There are three (3) shifts but do not occur at the same time as they have staggered arrival/departure times. Research has been shown to come within ten (10) miles and an average of 10-15 employees utilize public transportation via a loop bus. Those who drive will park on the premises. In emergencies (snow, hurricane, etc.) there will be no change in parking and there will always be enough parking.
- According to *Mr. Stafford's* testimony, Daughters of Israel is operational 24 hours a day, seven (7) days a week, and will always have staff.
- *Mr. Stafford* said that there will be resident transportation with buses that can handle wheelchairs for trips/events (Turtleback Zoo, plays, etc.)
- *Mr. Stafford* said that in regards to parking other than handicapped or Electric Vehicle charging stations, there will be no assigned parking but there will be visitor parking available.
- *Mr. Stafford* said that Daughters of Israel vehicles, because of provisions for parking outside, will be stored in the lower parking lot to deliver meals on wheels and metro transport to bring residents to doctor's appointments, shopping, and other locations where there will be designated spots for the jitneys to be stored.
- *Mr. Stafford* said deliveries of supplies will have no change in frequency and will be taking place on the lower level. The amount of loading docks will be reduced from two (2) to one (1) because of the rarity of getting two deliveries at the same time.
- *Mr. Stafford* said that trash and recycling will remain the same with one pull weekly for each.
- *Mr. Stafford* said that during construction the priority is not to abandon the people currently that they serve. The goal is to serve the residents they have because they cannot just evict people. *Mr. Stafford* doesn't see how evicting people would work as it is not feasible to close until completion and does not help Daughters of Israel serve their mission. There would be no change to the disability treatment.

BOARD QUESTIONS

- *Mr. I. Schwarzbaum* asked whom the consultants reached out to. *Mr. Stafford* that he utilized the current market, marketing, legal, and financial departments visited four (4) life care communities. *Mr. Schwarzbaum* asked for confirmation that they will be constructing long-term care and that the total repair/construction will be taking place for a total of six (6) to ten (10) years. *Mr. Stafford* answered in the affirmative. *Mr. Schwarzbaum* asked how precise the market data is. *Mr. Stafford* said that the analysis is never precise. They looked at the demographic trends for this project.
- *Mr. Eben* asked when researching did he count facilities within 5–10-minute radii. *Mr. Stafford* said that they are considered competitive in the Marketplace.
- *Chairperson Neuer* said that *Mr. Halper* testified saying that the construction for this application will take ten (10) years to complete. *Mr. Stafford* said that he doesn't believe that it will take the full ten (10) years but applying for such just to be safe in case of issues (supply or permitting issues) pop up. In *Mr. Stafford's* opinion, it will not take ten (10) years for the Daughters of Israel to become financially healthy. *Chairperson* asked about how much of a loss is at stake. *Mr. Stafford* said that Daughters of Israel has not sustained a loss in ten (10) years. *Chairperson* asked what the plan is to be sustainable. *Mr. Stafford* said that moderate losses combine with independent living to be sustainable for the long term. *Chairperson* asked for logistics regarding the pub, how many different dining facilities there were, and how they are going to be funded. *Mr. Stafford* stated that alcohol is not an active part of the age group's demographic and there will be three different dining facilities. He said that the resident's meals will be included but the guests will have to pay. *Chairperson* asked for the reason for not operating as a BYOB. *Mr. Stafford* said that it is for the convenience of the residents and guests. *Chairperson* asked for a list of properties similar to this for a possible site visit. *Mr. Stafford* agreed to submit the information.
- *Mrs. Weiss* asked if there is any way to make construction not last ten (10) years. *Mr. Stafford* said that he is willing to consider it. *Ms. Weiss* reiterated to sincerely make a change in a timeline a consideration. *Mr. Stafford* said that he is willing to consider it but cannot make a decision like that without speaking to the proper parties.

Chairperson Neuer announced that questioning for Mr. Stafford and testimony for additional experts is going to continue in regards to ZB-21-21 Daughters of Israel/1155 Pleasant Valley Way is being carried to the February 9, 2023, Special Meeting with no further notice required.

Chairman Neuer adjourned the meeting at 10:59 PM.

Adopted:

6/15/23

Diana Lyn Chandler
Diana L. Chandler, Secretary