

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING
February 9, 2023
8:00 P.M.

The West Orange Zoning Board of Adjustment held a Special Meeting on February 9, 2023, commencing at 8:00 PM utilizing the virtual Zoom platform.

Chairperson Philip D. Neuer 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."

Chairperson Philip D. Neuer 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 (8:22 PM arrival), Jerome Eben, Philip D. Neuer,
Peter Scalora, Irv Schwarzbaum, Brent D. Scott, 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 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. Marc Sussman* (Alternate #3) and *Mr. Brent D. Scott* (Board Member) were sworn under oath due to their reappointment/appointment to the Zoning Board.

APPLICATION

1.) ZB- 21-21 Daughters of Israel Inc. (1155 Pleasant Valley Way)

(Carried from
1/19/2023)

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 Exhibit A1– 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 Geneslaw, Esq.* entered on record on behalf of the applicant. He gave a brief synopsis of previous testimony.
- *Mr. David Stafford CFO, Daughters of Israel* was sworn under oath.

BOARD QUESTIONS

- *Mrs. A. Weiss* thanked *Mr. Stafford* for listening to her concerns regarding the amount of time for construction.
- *Mr. B. Scott* asked what brought on a change in construction time. *Mr. Stafford* stated that it was to bring closer to where the Board needs it to be. *Mr. Scott* asked if there is a way to proceed with the application without cutting down any trees. *Mr. Stafford* said that *Mr. Petry, Civil Engineer* would be the better person to answer this question.
- *Mr. I. Schwarzbaum* asked for confirmation on how many phases there are for this project and the length of time for the completion. *Mr. Stafford* stated that there are now three (3) phases and it should take somewhere between six (6) to eight (8) years for completion.

NO PROFESSIONALS QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTIONS

- *Mr. Richard Webster, Esq on behalf of Loren Svetvilas (699 Prospect Avenue)* asked who owns the site. *Mr. Stafford* said that Daughters of Israel is owned by the Jewish Committee Foundation. *Mr. Webster* asked who pays taxes on the property. *Mr. Stafford* confirmed that Daughters of Israel does. *Mr. Webster* followed up by asking Why do Daughters of Israel pay taxes if it is a nonprofit organization. *Mr. Stafford* stated that he believes it is because of a cell tower on some of the property which predates him. *Mr. Webster* asked if the independent living component is profit-generating. *Mr. Stafford* stated that it is anticipated to exceed the operating expenses. *Mr. Webster* asked if the skilled nursing dementia unit would bring a profit. *Mr. Stafford* stated that while the Medicaid units will bring a loss but all others will exceed expenses.
- *Kevin Malanga (57 Ridge Road)* asked if the facility is losing money. *Mr. Stafford* stated that currently the facility is losing money but it varies on the economy. *Mr. Malanga* asked for confirmation of *Mr. Halper's* testimony regarding the Daughters of Israel losing one million dollars. *Mr. Stafford* said if *Mr. Halper* was looking at 2021 numbers that is true. *Mr. Malanga* asked if one million dollars was lost in 2022 *Mr. Stafford* answered in the affirmative. *Mr. Malanga* stated that, in saving four years of construction by eliminating Phase 4, what part of the building is being eliminated? *Mr. Stafford* deferred to the Architect and Engineer.
- *Mr. Phil Litwinoff (11 Linden Avenue)* asked why Daughters of Israel is not choosing to do this build-out on their Whippany property and *Mr. Stafford* stated that he is not

- sure. *Mr. Litwinoff* asked how eliminating 10 percent (10%) of the population will affect parking. *Mr. Stafford* deferred to the Traffic Engineer.
- *Mr. Steve Burkat (14 Rand Drive)* wanted to ask a question about trees and a sight line. Chairperson Neuer said that *Mr. Stafford* is not the expert to be asking the question to.
 - *Ms. Renee Faibis (24 Skyline Drive)* asked if 2023 is expected to have a deficit. *Mr. Stafford* answered in the affirmative.
 - *Ms. Sally Malanga (57 Ridge Road)* asked what the primary purpose of the change is regarding marketplace function. *Mr. Stafford* said that the purpose of Daughters of Israel is to serve Jewish people in need. *Ms. Malanga* asked if the mission is not geared to serve Jewish people in need, then what kind of need are they serving. *Mr. Stafford* said they are serving those wanting to live in a Jewish facility.
 - *Ms. Joyce Rudin (38 Woodland Avenue)* asked about the noise levels of the construction. *Mr. Stafford* said that was not part of his testimony.
 - *Mr. Richard Webster, Esq on behalf of Loren Svetvilas (699 Prospect Avenue)* asked, in regards to this being a “state-of-the-art facility” if they are aware of the “greenhouse model. *Mr. Stafford* responded and stated that greenhouse models usually have shorter hallways to accommodate up to about twenty (20) people with a country kitchen.

BOARD FOLLOW UP

- *Mr. B. Scott* asked if this rehabilitation is for profit. *Mr. Stafford* said no.

PRESENTATION

- *Mr. J. Michael Petry, Civil Engineer* entered on the record on behalf of the applicant and requalified as an expert with confirmation of no changes to credentials.
- *Mr. Petry* referred to Exhibit A-3 (V4 – 16 Civil Engineering Exhibits) Where the elimination of Phase 4 to locate the Northeastern of the building on the south of the loading dock was presented. The timeline in between phases has changed to two (2) months as opposed to six (6) months. The amount of 163 units instead of the original 182 units proposed.
- *Mr. Petry* testified that they have worked with the forester *Mr. Kip* and *Mr. Hess* to help relocate utilities (For example: relocating a running pipe helped maintain trees.)

Chairperson Neuer confirmed that these exhibits have been added to the evidence.

Break 9:39 PM-9:47 PM

BOARD QUESTIONS

- *Chairperson Neuer* asked if there are trees in the same area as Phase 4 in case the applicant wants to build out in the future. *Mr. Petry* said no. *Chairperson Neuer* asked if they will be adding 40 trees in other spaces. *Mr. Petry* said that he is adding trees despite not moving a building.
- *Chairperson Neuer* asked if there is a landscape plan to install/maintain trees. *Mr. Petry* answered in the affirmative.
- *Mr. J. Eben* asked about the sizes of projects/properties in percentages of the construction management services that *Mr. Petry's* office provides. *Mr. Petry* said that his office offers support to assist in technicalities. *Mr. Eben* asked where parking was

going to be during construction. *Mr. Petry* said that parking will be offsite and most likely at the armory.

- *Mr. B. Scott* commended *Mr. Petry* for saving trees and asked about the detention pond and the reasoning behind not changing it. *Mr. Petry* said that it is currently undersized and there is only one currently on site. *Mr. Scott* asked for particulars regarding the Traffic study which *Mr. Petry* deferred to the Traffic Engineer. *Mr. Scott* asked about the difference between cool roofing and green roofing. *Mr. Petry* explained that a cool roof is mainly about the color and a green roof deals with organics used in the construction of and on the roof. *Mr. Scott* asked about the retaining wall in the parking lot and how it is supported. *Mr. Petry* explained that the retaining wall is in the southeast corner of the building and has nothing to do with the parking lot. *Mr. Scott* asked what materials would be used regarding this retaining wall. *Mr. Petry* said that the wall would be made with modulate block and precast block and referenced the detail sheet. *Mr. Scott* asked about the noise around the facility and what the plan is. *Mr. Petry* said that the state and town have standards that all of the equipment will meet those requirements.

PROFESSIONALS QUESTIONS

- No questions from *Mr. Hess*.
- *Mr. P. Grygiel* suggested for the applicant confirm that the numbers on the plans are correct.

PUBLIC ADVOCATE QUESTIONS

- *Mr. Thapar* asked about the number of major trees being removed. *Mr. Petry* said that 110 major trees and 39 minor trees are being removed. *Mr. Thapar* asked how that criterion was determined. *Mr. Petry* said that one of the main factors was going on-site walks with the Town Forester, *Mr. Walt Kipp*.

PUBLIC QUESTIONS

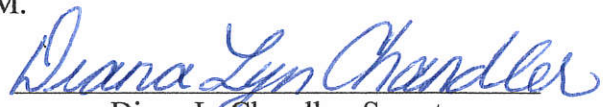
- *Mr. Kevin Malanga (57 Ridge Road)* asked about the 67-foot façade height of the current building facing Pleasant Valley Way and if *Mr. Petry* thinks it will affect the footprint of the building. *Mr. Petry* answered in the negative.
- *Mr. Malanga* asked if there are any other buildings with dimensions of 60 feet along Pleasant Valley Way. *Mr. Petry* said no.
- *Mr. Malanga* asked about tree removal; the substantial cluster of trees and whether or not they can be saved. *Mr. Petry* said no.
- *Mr. Malanga* asked if the trees at the detention basin can be saved and if they can be reconfigured. *Mr. Petry* said no.
- *Mr. Richard Friedman (11 Kovak Court)* asked how close will the tree cutting be to Hunt Court. *Mr. Petry* said that tree cutting will take place approximately 80 feet below the Kessler Institute property line.
- *Mr. Richard Webster, Esq on behalf of Loren Svetvilas (699 Prospect Avenue)* asked if the detention basin can be deeper in a smaller footprint. *Mr. Petry* said no because it is at its maximum depth because of state law.
- *Mr. Webster* asked if the parking study includes workers, residents, and visitors. *Mr. Petry* said that the study mainly has to do with the number of workers and bed count.

- *Mr. Webster* asked about the capacity of the theatre and pub. *Mr. Petry* said that it is not going to be an independent theatre; it is only for the use of residents and guests.
- *Mr. Webster* asked about the heights in terms of floors. *Mr. Petry* said that there will be five (5) exposed stories and deferred final testimony to the architect.
- *Mr. Robert Rashkes (35 Oakcrest Road)* asked if the sidewalks will be concrete. *Mr. Petry* answered in the affirmative and explained that the sidewalk will be at the south entrance to the front door. *Mr. Rashkes* asked if this will continue across Pleasant Valley Way. *Mr. Petry* answered in the affirmative and confirmed that they will also be in concrete with handicapped access as well.
- *Mr. Rashkes* asked if there will be a grass island. *Mr. Petry* answered in the affirmative. *Mr. Rashkes* asked if there will be pedestrian crossing signs for the driveways. *Mr. Petry* said no. *Mr. Rashkes* asked if there will be crosswalk lights. *Mr. Petry* said no.
- *Mr. Rashkes* asked about air purification. *Mr. Petry* deferred this question to the architect.

Chairperson Neuer announced that application ZB-21-21 Daughters of Israel is being carried to the February 16, 2023, regular meeting with no further notice.

Chairman Neuer adjourned the meeting at 10:58 PM.

Adopted: 6/15/2023


Diana L. Chandler, Secretary