

**MINUTES  
TOWNSHIP OF WEST ORANGE  
ZONING BOARD OF ADJUSTMENT MEETING  
February 16, 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 8:07 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, Jerome Eben, Philip D. Neuer,  
Peter Scalora (8:12 PM Arrival), Brent D. Scott,  
Mark Sussman (9:14 PM Arrival), Alice Weiss  
Absent: Peter Ricci (excused), Irv Schwarzbaum (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: March 16, 2023 (Regular Meeting)  
March 23, 2023 (Special Meeting)  
April 20, 2023 (Regular Meeting)  
May 18, 2023 (Regular Meeting)

- *Chairperson Neuer announced that ZB-21-21 Daughters of Israel is scheduled for a Special Meeting on March 23, 2023.*

## **ANNUAL REPORT**

**Motion:** Chairperson Neuer moved to approve the Annual Report

**Second:** A. Weiss

|                         |    |                          |     |
|-------------------------|----|--------------------------|-----|
| <b>Barbee:</b>          | -  | <b>Scott:</b>            | -   |
| <b>Eben:</b>            | No | <b>Sussman (Alt. 3):</b> | -   |
| <b>Ricci:</b>           | -  | <b>Weiss:</b>            | Yes |
| <b>Scalora (Alt. 2)</b> | -  | <b>Chairman Neuer:</b>   | Yes |
| <b>Schwarzbaum:</b>     | -  |                          |     |
|                         |    |                          |     |

## **MINUTES**

**Adopt:**

**June 9, 2022 Meeting Minutes**

**July 21, 2022 Meeting Minutes**

**August 18, 2022 Meeting Minutes**

**September 15, 2022 Meeting Minutes**

**October 6, 2022 Meeting Minutes**

**October 20, 2022 Meeting Minutes**

**December 15, 2022 Meeting Minutes**

**Motion:** Chairperson Neuer moved to approve the Minutes

**Second:** A. Weiss

|                         |    |                          |     |
|-------------------------|----|--------------------------|-----|
| <b>Barbee:</b>          | -  | <b>Scott:</b>            | -   |
| <b>Eben:</b>            | No | <b>Sussman (Alt. 3):</b> | -   |
| <b>Ricci:</b>           | -  | <b>Weiss:</b>            | Yes |
| <b>Scalora (Alt. 2)</b> | -  | <b>Chairman Neuer:</b>   | Yes |
| <b>Schwarzbaum:</b>     | -  |                          |     |
|                         |    |                          |     |

## **SWEARING IN**

Township Professional(s), *Mr. John Hess* and *Mr. Paul Grygiel* were sworn under oath.

## **RESOLUTIONS**

**ZB-22-10 Gill/ 13 Belleview Terrace**

**(Approved 1/19/2023)**

**Block:148.09; Lots: 16&17 ; Zone: R-6**

**13 Belleview Terrace**

Application seeking “c” variance for expansion of existing house was approved at the January 19, 2023, Regular Meeting.

**Motion: Chairperson Neuer moved to approve the Resolution.**

**Second: J. Eben**

|                         |          |                          |          |
|-------------------------|----------|--------------------------|----------|
| <b>Barbee:</b>          | <b>Y</b> | <b>Scott:</b>            | <b>-</b> |
| <b>Eben:</b>            | <b>Y</b> | <b>Sussman (Alt. 3):</b> | <b>-</b> |
| <b>Ricci:</b>           | <b>-</b> | <b>Weiss:</b>            | <b>Y</b> |
| <b>Scalora (Alt. 2)</b> | <b>-</b> | <b>Chairman Neuer:</b>   | <b>Y</b> |
| <b>Schwarzbaum:</b>     | <b>-</b> |                          |          |

## **APPLICATIONS**

**1.) ZB 21-01 M Vega Investments LLC/66 Franklin Avenue (Carried from 1/19/2023)**

**66 Franklin Avenue**

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

Seeking “c” and “d” variances for modifications to property with mix of uses.

### **PRESENTATION**

- *Mr. Chris Murphy, Esq.*, entered on the record on behalf of the applicant. *Mr. Murphy* gave a brief summation of previous testimony and then called *Ms. Afton Savitz, Civil Engineer* to testify.
- *Ms. Savitz* was sworn under oath and her credentials from previous testimony were confirmed to be unchanged.
- *Ms. Savitz* referenced **Exhibit A-3 (Site Plan Exhibit – Dated 2/13/2023)** which displayed the proposed sliding gate as being auto-operational.

### **NO BOARD QUESTIONS**

### **PROFESSIONALS QUESTIONS**

- No questions from *Mr. Grygiel*.
- *Mr. Hess* stated that, while there will be a keypad to enter, he asked *Ms. Savitz* what the procedure would be for exiting. *Ms. Savitz* stated that there would be an automatic sensor. In response to this, *Chairperson Neuer* asked if there were any additional open issues; *Mr. Hess* stated that the only issue he had is the condition of operation which was agreed upon previously.

### **NO PUBLIC ADVOCATE QUESTIONS**

### **NO PUBLIC QUESTIONS**

### **PUBLIC COMMENT**

- *Mr. Kevin Malanga (57 Ridge Road)* was sworn under oath and stated that he does not live within 200 feet of the application site. *Mr. Malanga* stated that the storage of materials outside, no idling signs, and deplorable conditions of the property show a lack of respect for the property and residents who live in the area. *Mr. Malanga* urged the Board not to vote in favor of this application.

### **BOARD DISCUSSION**

- *Mr. Eben* asked what the applicant is intending on doing with the elevation of the building because the roofline seems to be inconsistent. *Mr. Murphy* stated that they have done everything asked in his opinion to rectify this. *Mr. Eben* stated that regarding debris, he agrees with *Mr. Malanga*. *Mr. Murphy* said thank you for sharing.
- *Mrs. Weiss* stated that she is conflicted to approve this application and is choosing to abstain from voting on this application.

### **CONDITIONS:**

- No vehicles are to be stored inside.
- Attic will be for storage only. No livable space.
- Parking lot is to be repaved.
- No outside storage.
- New LED lighting will be shielded
- Hours of operation will be 8 AM-6 PM
- Only company vehicles and employees will be permitted to park on site
- Bike rack will be installed
- Two (2) Electric Vehicle charging stations installed
- Deed of consolidation will be obtained
- No idling on property
- No storage of hazardous/flammable materials
- All conditions must be printed on Final Site Plans.

### **Motion: Chairperson Neuer**

### **Second: W.M. Barbee**

|                         |          |                          |                |          |
|-------------------------|----------|--------------------------|----------------|----------|
| <b>Barbee:</b>          | <b>Y</b> | <b>Scott:</b>            | <b>N</b>       | <b>-</b> |
| <b>Eben:</b>            | <b>N</b> | <b>Sussman (Alt. 3):</b> | <b>-</b>       |          |
| <b>Ricci:</b>           | <b>-</b> | <b>Weiss:</b>            | <b>Abstain</b> |          |
| <b>Scalora (Alt. 2)</b> | <b>Y</b> | <b>Chairman Neuer:</b>   | <b>Y</b>       |          |
| <b>Schwarzbaum:</b>     | <b>-</b> |                          |                |          |

*Chairperson Neuer stated for the record that application ZB-21-01 M. Vega has been denied due to the failure to obtain five affirmative votes. The resolution will be voted upon at the next regular meeting (March 16, 2023).*

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

**(Carried from 12/15/2022)**

**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 and gave brief synopsis from December 15, 2022 testimony.
- *Ms. Genesis Carrera* appeared on the record on behalf of the owner/applicant, *Jose Flores*, and was sworn under oath. He provided a little background on the applicant and what the intention is with the property.
- *Ms. Carrera* confirmed that *Mr. Flores* is her uncle and she has been managing the application on his behalf. She -stated that he is currently a West Orange resident who intends on building a two (2) floor residential structure. *Ms. Carrera* stated that he will reside on one (1) of the floors and rent out the other floor.

### **NO BOARD QUESTIONS**

### **NO PROFESSIONALS QUESTIONS**

### **NO PUBLIC ADVOCATE**

### **NO PUBLIC QUESTION**

### **PRESENTATION**

- *Mr. Paulo Dantas, AIA* was sworn under oath and his credentials as the applicant's architect were accepted.
- *Mr. Dantas* referenced from the previous submission:
  - o Sheet A-1 with a 7-28-2022 revision date
  - o Sheet A-2 Floor Plans
  - o Sheet A-3 Front and Side Elevations
- *Mr. Dantas* stated that, about the size of the home, when they obtained the code and the egress path provided, it showed consistency with the dining and living rooms. He continued to testify further stating that the lot coverage takes place at thirty percent (30%).

### **BOARD QUESTIONS**

- *Chairperson Neuer* asked about the dimensions of the garage. *Mr. Dantas* said that it is 17 feet wide. *Chairperson Neuer* asked about the width of a car. *Mr. Dantas* said the width is approximately 55 inches- 6 feet.
- *Chairperson Neuer* asked if anyone would be testifying regarding traffic *Mr. Dantas* stated that there is no intent to testify about the traffic.
- *Chairperson Neuer* asked what the reason is behind this property not being a single family as opposed to the two (2) families being proposed. *Mr. Dantas* said that there is no reason other than applicant preference and the variances are still required.

- *Chairperson Neuer* asked if cars would be backing out of the driveway onto Main Street. *Mr. Dantas* answered in the affirmative.
- *Mrs. Weiss* asked for the dimensions of the proposed side yard. *Mr. Dantas* stated that the side yard is currently 3.1 feet and the town requires 8 feet on one side and 10 on the other.

***Chairperson announced the arrival of Mark Sussman (9:14 PM Arrival)***

- *Mr. Scott* asked if the houses will be integrated. *Mr. Dantas* said yes.
- *Mr. Scott* asked if this property will be treated like an Air BnB. *Mr. Dantas* said that was not brought up. *Mr. Guagliardi* stated that the intention is for the bottom floor to be owner-occupied and the second floor to be a long-term rental.
- *Mr. Scott* asked about the noise level of the neighbors. *Mr. Guagliardi* stated that the Planner will testify to that. *Mr. Scott* asked for confirmation that there will be two (2) units in total. *Mr. Dantas* answered in the affirmative.
- *Mr. Eben* asked about the staircase's footings; he said that they do not seem to coordinate. *Mr. Eben* also stated that, based on the drawings, they seem not to be self-closing. *Mr. Dantas* stated that this is not the case, but said that he will review and revise if necessary.
- *Mr. Barbee* asked if there is enough room for a sidewalk pedestrian walkway. *Mr. Dantas* deferred that question to the engineer. *Mr. Barbee* asked if the height of the proposed building will align with the other properties in the neighborhood. *Mr. Dantas* stated that the building might be under the height and perhaps the same level as the garage.

**PROFESSIONALS QUESTIONS**

- No questions from *Mr. Hess*
- *Mr. Grygiel* did not have any questions. However, recommended that the applicant have consistency regarding the walls on each side.

**NO PUBLIC ADVOCATE QUESTIONS**

**PUBLIC QUESTION**

- *Kevin Malanga (Ridge Road)* asked how many garbage cans are going to be used regarding this property. *Mr. Dantas* stated that four (4) cans in total would be used.
- *Mr. Malanga* asked where the garbage cans would be stored. *Mr. Dantas* said they would be stored on the landing pad in the garage.
- *Mr. Malanga* asked where the water supply line would be. *Mr. Dantas* stated that there would be no need to run a line on an exterior wall.
- *Mr. Malanga* asked how many lanes of traffic would there be on the street. *Mr. Dantas* deferred that question to the planner.
- *Mr. Darren Tobia (24 Columbia Street)* asked if he visited the site. *Mr. Dantas* replied in the affirmative.
- *Mr. Tobia* asked if he observed the neighbors/neighborhood. *Mr. Dantas* replied in the affirmative.

- *Mr. Tobia* asked if any research on the history was done in the area. *Mr. Dantas* replied no.
- *Mr. Tobia* asked if *Mr. Dantas* was aware of the factory workers from the Edison factory in the area. *Mr. Dantas* replied in the negative.
- *Mr. Tobia* asked if the new construction will blend in with the neighborhood. *Mr. Dantas* replied yes.
- *Mr. Tobia* asked if *Mr. Dantas* was familiar with the “Bayonne Box Criticisms”. *Mr. Dantas* replied no.
- *Mr. Joseph Vena (Stone Drive)* asked if the lot is smaller than what is permitted for a two (2) family dwelling. *Mr. Dantas* replied yes.
- *Mr. Vena* asked why a single-family dwelling is not being constructed. *Mr. Dantas* stated that it has to do with the misconstruing sizes and preferences of the owner/applicant.

**9:50 PM-10:00 PM Break**

***Chairperson Neuer stated for the record, upon return from break, that application ZB-22-08 Flores / 156 Main Street is being carried to the April 20, 2023, Regular Meeting and that no further notice will be required. Mr. Guagliardi gave consent on the record to the extension of decision time.***

***Chairperson Neuer announced that application ZB-22-08 Flores is being carried to the April 20, 2023, Regular Meeting and that no further notice will be required.***

**3.) 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.

***Before testimony, Chairperson Neuer announced that ZB-21-21 Daughters of Israel is scheduled for a Special Meeting on March 23, 2023.***

**• 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 Geneslaw, Esq.* entered on the record and gave a summation of previous testimony from previous appearances on September 15, 2022, October 6, 2022, December 15, 2022, January 12, 2023, and January 19, 2023.
- *Mr. Connor Hughes, Traffic Engineer*, was previously sworn under oath and confirmed that there were no changes in his credentials. *Mr. Hughes* confirmed that counts during the traffic study were taken during the height of the COVID-19 Pandemic.
- Construction traffic includes material delivery and supervisory workers (40 trips); Table seven shows less, site analysis holds and signal time not needed. There are minimal to no changes in trip construction. To complete, pre-covid calculations and calculations provided during the pandemic are being utilized.

### **BOARD QUESTIONS**

- *Chairperson Neuer* asked if the trip generated was lower than originally forecasted. *Mr. Hughes* replied yes.
- *Chairperson Neuer* asked about the soil removal. *Mr. Hughes* stated that it is going to be taking place during the peak hour.

- *Mr. B. Scott* asked *Mr. Hughes* if his study took into consideration the safety and line of sight. *Mr. Hughes* replied no; he said that it only focused on the traffic volumes. *Mr. Scott* asked for confirmation that the Daughters of Israel's driveway relies upon the Kessler Institute's traffic light for traffic flow in and out. *Mr. Hughes* replied yes, even though Daughters of Israel does not directly rely on it, but stated that the presence of it does help create gaps, etc., and traffic patterns for entrance/exit maneuvers.
- *Mr. Scott* asked if the study took into account that looking northbound is very dangerous, traffic-wise. *Mr. Hughes* replied no he did not but stated that it would be covered more in the site design.
- *Mr. Scott* asked if there was a large rainstorm on the day that the study was conducted. *Mr. Hughes* stated that he does not recall. *Mr. Scott* followed up by asking if it could affect his analysis. *Mr. Hughes* said perhaps it would have some level of an effect but the conclusions would not be significantly different.

### **PROFESSIONALS QUESTIONS**

- *Mr. Hess* stated that the trip generation showed a two percent (2%) growth timing change which means it is no longer required and asked if the applicant would be willing to revisit this after the build-out to reanalyze timing changes. *Mr. Hughes* answered in the affirmative.
- No questions from *Mr. Grygiel*.

### **NO PUBLIC ADVOCATE QUESTIONS**

### **PUBLIC QUESTIONS**

- *Mr. Kevin Malanga (57 Ridge Road)* asked if visibility was covered in the revised report. *Mr. Hughes* replied no.
- *Mr. Malanga* asked if this was in his jurisdiction. *Mr. Hughes* stated that *Mr. Petry's* office was covering this.
- *Mr. Malanga* asked if there was a report covering this. *Mr. Hughes* stated that he only provided the trip count.
- *Ms. Zarah Khademi (4 Dawes Avenue)* asked what the date and time of the research were done. *Mr. Hughes* stated that research was performed on January 19, 2023, between the hours of 7:00 AM- 4:30 PM.
- *Ms. Khademi* asked what method was utilized. *Mr. Hughes* stated that they used manual turning units (for movement purposes).
- *Ms. Khademi* stated that six (6) to ten (10) years is a lot of time and asked how he would be involved in the process. *Mr. Hughes* stated that this is a large amount of time but that is why he is willing to circle back for mitigation services.
- *Ms. Khademi* asked if *Mr. Hughes* was hired by Daughters of Israel. *Mr. Hughes* replied in the affirmative.
- *Mr. Stephen Rathe (Undercliff Terrace)* commented that he is surprised by the amount of dirt and asked, if there is more traffic, will they mitigate it. *Mr. Hughes* stated that if timing adjustments and physical improvements are needed, they would work through the NJDOT.
- *Ms. Sally Malanga (57 Ridge Road)* questioned the accuracy of the calculations because, in her opinion, they seem unrealistic. *Mr. Hughes* stated that the research was all based on the traffic trip generations.

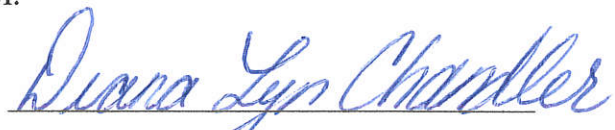
- *Ms. Malanga* opined that Pleasant Valley Way is a county road and could potentially take years to make the adjustments that *Mr. Hughes* is testifying to. *Mr. Hughes* stated that they would have to go through NJDOT and that he does not believe that it will take years.
  - *Mr. Robert Rashkes (35 Oak Crest Road)* asked if there will be a lot of bulldozers. *Mr. Hughes* stated that bulldozers will be used sporadically throughout the day.
  - *Mr. John Gavora (339 St. Cloud Avenue)* asked about the trees being removed from the site. *Chairperson* advised *Mr. Gavora* that this is not the expert for this testimony.
  - *Mr. Richard Webster Esq., on behalf of Loren Svetvilas (699 Prospect Avenue)* asked if the independent living apartments make a difference in traffic. *Mr. Hughes* stated that the numbers are consistent for the breakdown of each use.
  - *Mr. Webster* asked if events during peak hours would make a difference. *Mr. Hughes* stated that it is not typical for there to be a surplus of guests and visitors.
  - *Mr. Webster* asked if there are calculations for predicted events. *Mr. Hughes* stated that research was performed day to day so predicted events were not specifically counted in.
- *Mr. Geneslaw Esq.*, offered a redirect in regards to asking *Mr. Hughes* how the trip rate was determined. *Mr. Hughes* stated that it was based on the ITE survey sites and the number of units.

***Chairperson Neuer stated for the record that application ZB-21-21 Daughters of Israel is being carried to the March 16, 2023, regular meeting and a special meeting scheduled for March 23, 2023, and that no further notice will be required.***

*Chairman Neuer* adjourned the meeting at 11:09 PM.

Adopted:

6/15/23



Diana L. Chandler, Secretary