

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

March 16, 2023

8:00 P.M.

Will be held virtually

The West Orange Zoning Board of Adjustment held a regular meeting on March 16, 2023 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.

ROLL CALL

Present: William Michael Barbee, Jerome Eben,
Philip D. Neuer, Peter Scalora, Irv Schwarzbaum,
Brent D. Scott, Mark Sussman, Alice Weiss
Absent: Michael Dannemiller (excused), Peter Ricci (excused)
Also Present: Paul Grygiel, Consulting Planning for the Township
John Hess, Consulting Engineer for the Township
Alice Beirne, Esq., Board Attorney
Diana L. Chandler, Board Secretary

ANNOUNCEMENTS

Future Meetings:	March 23, 2023 (Special Meeting)
	April 20, 2023 (Regular Meeting)
	May 18, 2023 (Regular Meeting)
	June 15, 2023 (Regular Meeting)

NO PUBLIC ADVOCATE QUESTIONS

NO PUBLIC QUESTIONS

PRESENTATION

- *Mr. Robert Murphy, Architect* entered the record, was sworn under oath, and credentials given were accepted as an expert in the field of architecture.
 - o *Mr. Eben* gave a reference of the title block and suggested a revision
- A1 Floor Plan, Legend with existing and proposed
- A2 Sideview (side elevation) 12x7 pitch to meld in with the existing house (new siding will be installed to match existing siding.)
- A3 Front Elevation
- A4 Rear Elevation (relocating doors)
- A5 Site Plan/ Zoning (with pavers to the street; to add to impervious coverage) *Mr. Murphy* admitted that there should be an additional variance requested. Only one (1) was applied for.

BOARD QUESTIONS

- *Chairperson Neuer* asked *Mr. Murphy* if he has seen the memo, *Zayibeth Carballo, Assistant Municipal Engineer* issued. *Mr. Murphy* said yes.

Ms. Zayibeth Carballo, Assistant Municipal Engineer entered the record and was sworn under oath.

- *Ms. Carballo* asked about the curve of Merrywood Drive and the sight triangle easement such as landscaping which is the center line of approaching traffic from Mount Pleasant and Merrywood Drive to create the easement.
- *Ms. Carballo* asked about the impervious coverage. *Mr. Murphy* said that impervious coverage is only impacted when it rains or it snows. No testing has been done. *Ms. Carballo* said that roof leaders are not on the plan. *Mr. Murphy* said that they are on Sheet A4.
- *Chairperson Neuer* said that the witness is not qualified to deal with issues as he is only an architect. He asked if there is an engineer to testify for this application. *Mr. Williams* said no but he will get one but testified saying that he doesn't see any issues.
- *Mr. Eben* commented on the water running into the street and that the wall in the front of the property needs major repair. *Mr. Williams* said that water is on a down pitch and that he installed the curb himself.

PROFESSIONALS QUESTIONS

- *Mr. Grygiel* asked what the width of the driveway on A-5 will be when meets the street. *Mr. Murphy* said that there would be 12-13 feet of curb drop that will be meeting a street width of approximately 35-40 feet.
- *Mr. Grygiel* asked if there is a way to adjust or taper off the curbing. *Mr. Murphy* said will do the best he can.

- *Ms. Carballo* asked about Sheet A5 if the dimensions shown to the center line of Merrywood Drive for where the addition will be shown. *Mr. Murphy* said it would be about 15 feet.

NO PUBLIC QUESTIONS

Chairman Neuer stated that he is concerned with issues about this application.

1) Draining- *Mr. Murphy* is not an engineer so proper testimony cannot be made in regards to this; 2) Questioning of Planner on the width of the driveway is not him asking for clarification it is him telling you what needs to be done ; 3)The Sight Triangle issue raised by *Ms. Carballo* needs to be addressed. *Chairperson* brought up amending the variances requested in the application. *Mr. Williams* agreed to carry this application to a later date to submit clarifications.

Chairperson Neuer announced that application ZB-23-01 Williams/6 Merrywood Drive is being carried with no further notice to the May 18, 2023, Regular Meeting.

- 2.) ZB- 21-21 Daughters of Israel Inc. (1155 Pleasant Valley Way) (Carried from 2/16/2023)

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.

PRESENTATION

- *Mr. Howard Geneslaw, Esq.* entered the record. *Mr. Geneslaw* agreed with *Chairperson Neuer* to have a break prior to beginning testimony.

BREAK 9:15 PM-9:25 PM

- *Mr. Geneslaw* said that his intention this evening is to recall *Mr. David Fowles, Architect* for an overview of the application.
- *Mr. David Fowles, Architect* was sworn under oath and confirmed that there was no change in any of his credentials.
- *Mr. Fowles* summarized information in the 2008 speculation in senior living with a non-profit organization.

BOARD QUESTIONS

- *Mr. I. Schwarzbaum* asked how many units are there. *Mr. Fowles* answered that there were 64 assisted living units, 24 traditional care, and 40 memory care. *Mr. Schwarzbaum* asked about parking. *Mr. Fowles* said that he did not testify in regard to parking.

NO PROFESSIONALS QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTION

- *Mr. Phil Litwinoff (11 Linden Avenue)* asked how many beds are in skilled and memory care. *Mr. Fowles* answered 313 together. *Mr. Litwinoff* asked about beds in skilled nursing dropping. *Mr. Fowles* said that it might be decreasing by 40 beds but increasing for memory care.
- *Mr. Richard Webster (on behalf of Loren Svetvilas- 699 Prospect Avenue)* asked why no increase in solar or green roofing. *Mr. Fowles* said that the clearance for the area in use and it is maxed out because of equipment and circulation issues that could ensue. *Mr. Webster* asked if there will be any overlapping in phasing and building. *Mr. Fowles* said that Phases Two (2) and Three (3) could possibly overlap. *Mr. Webster* asked how long would they do that. *Mr. Fowles* said it would take months not years. *Mr. Webster* said if it would be beneficial to the community for the numbers to go down. *Mr. Geneslaw* responded that *Mr. Fowles* never testified in regard to that.
- *Mr. Mark Paull (27 Sunnyside Road)* asked about the site impact and draining on the property. Chairperson Neuer said that this was previously testified about by another professional.
- *Mr. Kevin Malanga (57 Ridge Road)* asked if *Mr. Fowles* did the calculations of square footage for three (3) components for the site. *Mr. Fowles* answered in the negative. *Mr. Malanga* asked if this has been done. *Mr. Fowles* answered in the affirmative.
- *Ms. Edie Behr (14 Dogwood Drive)* asked if there is going to be a dedicated walking area for memory care patients. *Mr. Fowles* referenced the A-4 Site Plan sheet and showed the outdoor seating and path on the plan. *Ms. Behr* asked who will be in charge of the evergreen trees in the sight barriers. *Mr. Fowles* answered that the Daughters of Israel would be in charge of it. *Ms. Behr* asked about the heights of the trees. *Mr. Fowles* said that the trees are all the same type so will grow to approximately the same height.
- *Ms. Sally Malanga (57 Ridge Road)* asked about the landscaping plan and the detention basin; would it be possible to save the large tree in that vicinity? *Mr. Fowles* said that *Mr. Petry* testified in regard to trees. *Ms. Malanga* asked if the view from Parsons Drive is accurate. *Mr. Fowles* said that from previous testimony and deleted apartments. *Ms. Malanga* asked about the reality of a green roof with plants. *Mr. Fowles* said that a green roof comes pre-planted to grow in this location.
- *Mr. Robert Rashkes (35 Oak Crest Road)* asked if there is going to be ventilation on the roof. *Mr. Fowles* answered in the affirmative. *Mr. Rashkes* asked if there is going to be ventilation in times of smoke and fumes being present during construction. *Mr. Fowles* said yes and that there will be residents living on the premises during this and the air quality during this needs to be at a 100 percent level. *Mr. Fowles* said that nothing is 100 percent. *Mr. Rashkes* asked if the design was influenced by the pandemic. *Mr. Fowles* answered in the affirmative. *Mr. Rashkes* asked if there is an area outside of the building in the case of a resurgence during construction. *Mr. Fowles* said that he cannot answer operational questions.
- *Ms. Joyce Rudin (38 Woodland Avenue)* asked in Phase One (1) what happens to the 303 residents. *Mr. Fowles* answered that currently Daughters of Israel is operating at approximately half capacity and staying on campus. *Ms. Rudin* asked if they are going to be adding filtration for ventilation. *Mr. Fowles* said that there is no intention to add that during construction. *Mr. Rashkes* asked if the applicant is willing to consolidate

time and consider why “dragging construction out” to six (6) years. *Mr. Geneslaw* objected to this questioning and that *Mr. Stafford* testified in regards to this, not *Mr. Fowles* and he cannot comment.

Mr. Geneslaw offered a redirect asking *Mr. Fowles* if the landscape plan has been in review by the Town Forester. *Mr. Fowles* said yes and that it was approved.

Mr. Fowles’ testimony concluded.

PRESENTATION

- *Mr. Frank Banisch, Planner* entered the record, was sworn under oath, and credentials were accepted by the Board.
- *Mr. Banisch* gave a summary/overview of the Planning Report (Dated March 3, 2023)
 - o Demolition/Construction/ Expansion of the site
 - o Changes from emerging lifestyles for continuums of care
 - o Proposed uses will be beneficial to the public
 - o Daughters of Israel will experience hardship if have to abandon the site for the duration of the construction.
 - o Since 1962 Daughters of Israel have been providing services.
 - o Height variances
 - o Bulk variances that are adaptable to the redevelopment of the application site.
 - o Health Center for medical services
 - o Public lands in the vicinity of the question
 - o Single-family homes; Essex County Country Club; front drop of what they are trying to expand to
 - o Radius of 40% with localized uses.
 - o Consistency with the West Orange Master Plan with a policy to promote the welfare of the residents
 - o R-2 Districts where 20% of the land area is part of the golf course from the Essex County Country Club and Pleasant Valley Way
 - o Based on the 1989 Plan, where Daughters of Israel is located with Prospect and Ridge Veterinary Center the R-2 Zone has a different character than intended for the total land area.
 - o In 2019 the West Orange Planning Board did a review of the Vision Statement to be environmental and economically sustainable.
 - o During the meeting process, Daughters of Israel has to shift and utilize suggestions from the Board, Professionals, and the Public.
 - o West Orange’s vision strives for sustainability and to remove diseased vegetation. The land use plan is to provide housing of all different types and sizes. Utilize light, air, and have adequate open space. The Open Space element to project a larger façade. Recommended land use ordinances with the “Livability Initiative”. Uses belong to care for present and future residents. By utilizing this, there will be more flexibility for parking ratios with two and a half percent (2 ½%) development fee which completely in his opinion satisfies affordable housing and still has skilled housing with Medicare recipients.
 - o Summary of 2019 Master Plan to maintain applicant’s scale of community. The larger building concept which mitigated through design support uses in place. The objectives will be reinforced by this Daughters of Israel expansion.

- Variance proofs requested for March 23, 2023 “for flow”.

***Chairperson Neuer* reminded the public to look at exhibits in the agenda and announced that this meeting is being adjourned to the March 23, 2023, Special Meeting. The goal of that evening is to conclude the application and urged to be prepared for a vote to be heard. No further notice.**

Chairman Neuer adjourned the meeting at 10:55PM.

Adopted:

6/15/23

Diana Lyn Chandler

Diana L. Chandler, Secretary