

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING
June 22, 2023
8:00 P.M.

The West Orange Zoning Board of Adjustment held a special meeting on June 22, 2023, commencing at 8:00 PM 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 (8:30 PM arrival),
Jerome Eben, Philip D. Neuer, Peter Ricci,
Peter Scalora, Irv Schwarzbaum,
Brent D. Scott, Mark Sussman
Absent: Alice Weiss
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: July 20, 2023 (Regular Meeting)
August 17, 2023 (Regular Meeting)
September 21, 2023 (Regular Meeting)

SWEARING IN

- Township Professionals, *Mr. Paul Grygiel* (Consulting Planner) and *Mr. John Hess* (Consulting Engineer) were sworn under oath.

APPLICATIONS

- 1.) **ZB-22-12 / Seton Hall Preparatory School** (Carried from 4/20/2023)
Block: 82.01; Lot: 1; Zone: R-1
700 Prospect Avenue
Seeking amended site plan and "d" variance approvals for the expansion of a non-conforming use

PRESENTATION

- Mr. John Wyciskala Esq. entered the record on behalf of his client, Seton Hall Preparatory. Mr. Wyciskala wanted to address an issue that he was just made aware of. Mr. Charles Stewart, Project Engineer received a phone call from Board Member, Mr. Jerry Eben. And he opined to Mr. Stewart in regard to the application. Mr. Wyciskala believes this to be improper and asked for Mr. Eben to recuse himself from this application. Chairperson Neuer asked Mr. Eben if a discussion of this application was true. Mr. Eben stated yes. Chairperson Neuer asked if he will voluntarily recuse himself. He did and Chairperson approved of the recusal. Mr. Eben then went into the attendee pool and was no longer in the meeting as a Panelist.
- Mr. Wyciskala stated that this application is looking for approval of the conversion of buildings on the football field (Maintenance and Health/Wellness Center) switching locations.
- Mr. Don Fiore, Architect entered the record and qualified himself as an expert in the field of Architecture.
- Mr. Fiore started his testimony by displaying Boundary Survey V 1.01 (Dated October 13, 2022) with the intent to identify buildings involved with the application and the proximity of approximately 900 feet from Prospect Avenue.
- Mr. Fiore testified further stating that these buildings are 975 feet from residential structures. The maintenance building on the Southern end of the property is too small for the existing programs. The athletic building is being used for equipment and is basically storage only. So because of programs changing and being less intense so basically just switching buildings.
- Mr. Fiore presented Sheet A1.1 (Dated, August 30, 2022) which displayed the proposals for the main area of the proposed two (2) story interior exercise space. This building will have elevator access for ADA access, a fitness floor with three (3) overhead doors to give a "collegiate field house feel" and extra ventilation which Mr. Fiore opined a necessity following the COVID-19 Pandemic. The landscaped road presently there will remain at all times.
- Mr. Fiore presented Sheet A1.2 (Dated, August 30, 2022) which displayed the existing versus proposed renovations with plan orientation as if walking towards the project site.
- Mr. Fiore presented ***Exhibit A1 Interior Rendering (Dated, June 22, 2023)*** which is an artistic rendering of space with the intent of looking at the interior spaces.
- Mr. Fiore presented ***Exhibit A2 Interior Rendering from Second Floor (Dated, June 22, 2023)*** which displayed the view of the property and displayed the new door's ventilation system.
- Mr. Fiore testified saying that he conducted two days' worth of sound testing from six different spaces on the application site. It averaged 43-50 decibels.

BOARD QUESTIONS

- Chairperson Neuer asked in regard to the sustainability checklist that solar panels are "considered". Mr. Fiore stated that was a conservative slant to not promise what he cannot deliver. Chairperson stated the membrane with the roof being "maybe white" does not make sense to him. Mr. Fiore stated that it is tied into roofing and insulation and that there are more materials than the color. Chairperson asked for the reasoning behind no additional landscaping. Mr. Fiore stated that there is going to be minimal disturbance to the site as he knows that Seton Hall Preparatory struggled to find someone to do the planting. Chairperson asked for confirmation on the height of the building. Mr. Fiore answered 30 feet. Chairperson asked if there is going to be a line-of-sight study done. Mr. Fiore answered no but that he was

willing to do it, and stated based on his research that the residential properties in that area cannot see the building. Chairperson Neuer asked if the overhead doors are going to have outside activities. Mr. Wyciskala stated that the doors are only intended to open up by Seton Hall Preparatory. Chairperson asked if the applicant is willing to accept as a condition. Mr. Wyciskala answered yes. Chairperson asked what is the maximum allowable decibel. Mr. Wyciskala answered 50-55 decibels in the evening hours.

- Mr. Peter Ricci wanted the record to reflect that the design of the building looks great. He then asked Mr. Fiore if solar panels were considered. Mr. Fiore answered no and that it had more about the positioning of the rooftop panels.
- Mr. Michael Dannemiller asked if the roof is going to be flat. Mr. Fiore stated yes. Mr. Dannemiller asked if the garage-style doors will be all on one wall. Mr. Fiore answered in the affirmative. Mr. Dannemiller asked for confirmation that there would be small equipment in the maintenance building. Mr. Fiore stated yes and that equipment would be in storage.
- Mr. Irv. Schwarzbaum asked for confirmation on the square footage of both buildings. Mr. Fiore stated that the Health Center is 3,331 feet and the Maintenance Building is 2,488 feet. Mr. Schwarzbaum asked if the footprint of the buildings will be expanding. Mr. Fiore stated yes. Mr. Schwarzbaum asked about the rooftop access/overhang access and if there are going to be activities on there. If so, will there be guardrails Mr. Fiore stated realistically yes will be used as a terrace of sorts and a guardrail will be installed. Mr. Schwarzbaum asked if there are going to be showers in the Wellness Center or just a bathroom. Mr. Fiore stated that there will only be a bathroom as there is a locker room only 175 feet away. Mr. Schwarzbaum wanted confirmation that there will be no changes to the exterior. Mr. Fiore stated yes.
- Mr. W.M. Barbee asked if the footprint is being expanded twice its size. Mr. Wyciskala stated that Mr. Stewart will explain in detail. Mr. Barbee asked if there is going to be space in the Wellness Center for a kitchen for cooking onsite. Mr. Fiore stated no. Mr. Barbee asked for confirmation on the number of bathroom stalls. Mr. Fiore stated that there will be ten (10) in total.

Break 9:47 PM- 9:57 PM

- *After all Board Members were accounted for, Mr. Wyciskala confirmed that his professionals are all available for the August 17, 2023, Regular Meeting and confirmed that a continuance form will be taken care of.*

PUBLIC QUESTIONS

- Mr. Kevin Malanga (57 Ridge Road) asked if there are going to be glass windows on every side (all four) of the Wellness Center. Mr. Fiore stated yes. Mr. Malanga asked if he was aware of the Seton Hall field near the ridgeline and the types of migrant birds in that area. Mr. Fiore stated yes and that there are no birds. Mr. Malanga asked if there is going to be technology used for birds striking the windows. Mr. Fiore stated that it has never been implemented.

PRESENTATION

- Mr. Charles Stewart, PE entered the record and qualified himself as an expert in the field of Engineering.
- Chairperson Neuer asked what the 61 conditions are in effect with the status of ZB-07-23, ZB-08-37, ZB-12-05, ZB-15-03, and ZB-16-05. Mr. Stewart said that is something he will need to review and return results to the Board.

- Mr. Stewart testified utilizing the Site Plan (Dated- October 13, 2022, and revised January 31, 2023) displaying what the condition of the existing site was like.
- Mr. Stewart said that the storm line will not need rerouting and referenced the 2017 Drainage Report and all basins.
- Mr. Stewart testified further stating that the trash removal will be used by a dumpster which will be moved to the other side of the property and tucked away for less visibility.

BOARD QUESTIONS

- Chairperson Neuer asked if there is going to be room for additional landscaping. Mr. Wyciskala said that they will look into it for the August 17, 2023 meeting on a global level.

PROFESSIONALS QUESTIONS

- Mr. Hess wanted it stated on the record that the applicant has addressed the issues raised in his memos.

Chairperson announced that application **ZB-22-12 Seton Hall Preparatory** is adjourned to the August 17, 2023, Regular Meeting with no further notice. At that meeting, the application will pick up with the Public Questioning of Mr. Stewart.

Chairperson Neuer adjourned the meeting at 10:44 PM.

Adopted:

7/20/2023

Diana Lyn Chandler
Diana L. Chandler, Secretary