

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT REGULAR MEETING
October 10, 2024
8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on October 10, 2024, 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 stand for the Pledge of Allegiance.

Alexander Fisher, Esq., Board Attorney read the opening statement.

ROLL CALL

Present: Michael Dannemiller, Jerome Eben,
Philip D. Neuer, Peter Ricci
Irv Schwarzbaum, Brent D. Scott,
Mark Sussman, Alice Weiss
Absent: William Michael Barbee
Also Present: George Wheatle Williams, Consulting Planner for the Township
Alexander Fisher, Esq. (proxy for Steven K. Warner, Esq.,) Board Attorney
Diana L. Chandler, Board Secretary

ANNOUNCEMENTS

- Future Meetings: October 17, 2024 (Special Meeting)
 November 21, 2024 (Regular Meeting)
 December 19, 2024 (Regular Meeting)
- Chairperson Neuer announced that the litigation from application (ZB-20-16 PS Atlantic Coast) has been remanded and will be returning to this Board.

- Chairperson recognized Mr. James Fant, Esq. for confirmation of scheduling of a Special Meeting of Applicant, ZB-24-11 Wonder (481 Eagle Rock Avenue). Upon confirmation of a quorum, Chairperson Neuer announced that this application is being carried to the November 14, 2024 Special Meeting with the preservation of notice.

Special Meeting Date Proposed: November 14, 2024

Barbee:	Absent	Scott:	Maybe
Dannemiller (Alt. 1)	Yes	Weiss:	Yes
Eben:	Yes	Chairperson Neuer:	Yes
Ricci:	Maybe		
Sussman (Alt. 2)	Yes		
Schwarzbaum:	Yes		

MINUTES

- September 12, 2024 (Special Meeting)**
Motion to Adopt: Chairperson Neuer
Second: I. Schwarzbaum

Barbee:	-	Scott:	Y
Dannemiller (Alt. 1)	Y	Weiss:	-
Eben:	Y	Chairperson Neuer:	Y
Ricci:	Y		
Sussman (Alt. 2)	Y		
Schwarzbaum:	Y		

RESOLUTION

- After Board discussion, the Resolution to adopt the new rule change regarding exhibits was "Tabled" to the Regular Meeting of November 21, 2024. Chairperson Neuer instructed Board Members with revisions etc. for the proposed Resolution to email Board Secretary, Ms. Chandler, until November 11, 2024, for circulation.

SWEARING IN

- Township Professional Mr. George Wheatle Williams (Consulting Township Planner), Ms. Zayibeth Carballo (Municipal Engineer), and John Hess (Consulting Engineer) were sworn under oath.

APPLICATIONS

1.) ZB-24-02/Nwaiwu Properties, LLC

(Carried from 8/15/2024)

Block: 177.08; Lot: 21; Zone: R-6

691 Eagle Rock Avenue

Seeking "c" variances for construction of new house

PRESENTATION

- Robert Taylor Esq entered the record on behalf of the applicant. He provided a brief summary of previous testimony, and then claimed to not be in receipt of Ms. Carballo's October 7, 2024 review memo. After a short exchange, Architect, Mr. Evans' was able to provide testimony.
- 3.7 Mr. Evans testified how the existing trees will be saved considering the close proximity of two trees to the gas connection
- 4.2 Ms. Carballo said that the Soil Removal Permit is required and would have to be submitted. Ms. Carballo instructed Mr. Taylor and Mr. Evans that she will not sign the Final Plans without this. Mr. Evans and Mr. Taylor agreed.
- 4.4 Mr. Evans said that the Sediment Control will be accepted as a condition
- 4.5 Mr. Evans said that the Drywell Limits were addressed and calculations have been revised. However, the Drywells should show the limit of the two (2) feet of clean stone around the concrete tanks.
- 4.8 Regarding Inverts in Drywell, Ms. Carballo recommended the surveyor provides grate of inversion for depth of tanks as this was only partially addressed on Plan S-1. The revision was to show the overflow pipe connecting to the side of the inlet but needed to be revised to show the inverts in and out of the drywell. Mr. Evans agreed that the drywell be provided with the inspection port.
- 4.10 Mr. Evans said that the Seepage Pit certification could be provided upon completion of construction.
- 4.11 Mr. Evans said that the Seepage Pit is going to be regularly and effectively maintained.
- 4.12 Mr. Evans testified that the Maintenance and Storm Water Management will be taken care of and plans will be modified as such.
- 4.13 Mr. Evans said that the Pavement Restoration will be updated along with the HVAC and that the Pipe Installation/Pavement Restoration will be revised from the one (1) to five (5) mix for the pavement.
- 4.15 Regarding Turning Templates, Mr. Evans said that can be done with a revision for parking on the Final Plans or next revision submission.
- 4.16 Mr. Evans testified regarding the Sight Triangle for safety points of entrance and/or exit and agreed to submit for the driveway intersection of Eagle Rock Avenue having an unobstructed view for vehicles and pedestrians. While this was requested at the August 15, 2024 meeting, and no updates on current submission, Mr. Evans agreed to put on the next submission or Final Site Plans.
- 4.17 Ms. Carballo said that the Certificate of Occupancy will not be granted without a topographic survey. Mr. Evans agreed to submit.

- SI plans revised and displayed with changes from the last meeting appearance (8/15/2024).

BOARD QUESTIONS

- A. Weiss asked for clarification that the total project's square footage has not changed. Mr. Evans said that the changes were made to the rooms inside the property; Not the footprint. Mrs Weiss asked about the square footage of properties within 200 feet and opined that the proposed project is too large and seems out of character for the neighborhood.
- M. Sussman wanted to add clarification for his fellow Board Members by stating that the basement is not counted as living space.
- B. D. Scott asked Mr. Evans if the proposed were made smaller, would the applicant have the right to come back if they want to make it larger or have an accessory unit installed. Mr. Evans said while they could it is not what the application intends.
- I. Schwarzbaum asked what the height of the basement is. Mr. Evans said the basement has an eight (8) feet clearing.

Break 9:29 PM – 9:39 PM Quorum confirmed by Chairperson Neuer upon the return of Board Members

PUBLIC QUESTIONS

- Raminder Ahlawat (15 Shrump Place) asked for confirmation of the bulk variances remaining the same. Mr. Evans answered in the affirmative. Mr. Ahlawat asked for confirmation on the windows in the plans being conforming. Mr. Evans said that all plans for the entire proposed project will conform with all Ordinances.

Chairperson Neuer announced that application ZB-24-02 Nwaiwu (691 Eagle Rock Avenue) is being carried with preservation of notice to the November 21, 2024, Regular Meeting.

2.)ZB-24-07 Crestmont Country Club

Block: 174; Lot: 1.01; Zone: R-2

750 Eagle Rock Avenue

Seeking installation of accessory dwelling with Variances and Site Plan Approval

PRESENTATION

- Mr. Richard Schkolnick Esq. entered the record and provided a brief summary of the application.
- Ms. Dana Cancellaro, General Manager & COO of Crestmont Country Club was sworn under oath. Ms. Cancellaro described the project being that because the busy season for the country club is five (5) months out of the year, most of the staff they utilize is not local and come up to New Jersey from Florida, they need lodging. Removal of parking for overflow because where building will be is a bulky place with no retribution.

BOARD QUESTIONS

- I. Schwarzbaum asked if a second story was considered for the existing lodging. Ms. Cancellaro said yes but a new building made more sense.
- B. D. Scott asked if there are sewer lines currently existing. Ms. Cancellaro said yes. Mr. Scott asked where the students coming to work are coming from. Ms. Cancellaro answered that these employees are mainly from Visa programs and are from Florida.
- M. Sussman asked if this is going to be a permanent structure. Ms. Cancellaro said yes.

PROFESSIONALS QUESTIONS

- G. Wheatle Williams asked if the housing is comparable to the existing employee housing. Ms. Cancellaro answered in the affirmative.
- No questions from J. Hess

PUBLIC QUESTIONS

- Kevin Malanga (57 Ridge Road) asked what the age range of people living on the premises is. Ms. Cancellaro said they are usually 22-28. Mr. Malanga asked if they have tried to recruit locally. Ms. Cancellaro said yes but it has been challenging since COVID. Mr. Malanga asked if Country Clubs with housing is modular for clubs. Ms. Cancellaro said it is a mixture of results. Mr. Malanga asked if she knows the gender of the employees. Mr. Schkolnick objected to the question. Mr. Malanga asked if sexual harassment training is performed at the club. Ms. Cancellaro said yes it is done annually usually in the month of May.

PRESENTATION

- James Bash PE was sworn under oath and credentials were accepted as an expert in the field of Engineering.
- Mr. John Hess confirmed that all issues in his report were addressed except for number 9. Mr. Schkolnick agreed to "Make Ready" Electric Vehicle charging stations being installed and put in that their engineers are willing to collaborate with Mr. Hess.
- Mr. Bash referenced the September 17, 2024 Sustainability Checklist

BOARD QUESTIONS

- B. D. Scott asked if the parking lot is black top. Mr. Bash said yes. Mr. Scott asked if there will be air conditioning on the premises. Mr. Bash said that he was unsure.
- P. Ricci asked if there will be landscaping on the property. Mr. Bash said no that it is well buffered already.
- J. Eben asked if there are going to be smoke detectors. Mr. Bash said yes. Mr. Eben asked if the project will follow all codes. Mr. Bash said yes.
- I. Schwarzbaum asked if pictures of the proposed were provided. Mr. Bash said yes and that they were in the application package.

PROFESSIONALS QUESTIONS

- No questions from G. Wheatle Williams
- Mr. Hess stated that the location of the “Make Ready” Electric Vehicle charging station are to be put on the Final Site Plans.

PUBLIC QUESTIONS

- Kevin Malanga (57 Ridge Road) asked if this will be a modular home with air conditioning. Mr. Bash said he assumes so. Mr. Malanga followed up with asking if they will be window or central units. Mr. Bash said that he is unsure but Ms. Cancellaro said that it will most likely be Central AC. Mr. Malanga asked where the furnace will be located on the premises. Mr. Bash said in the utility room. Mr. Malanga asked if the utilities will be using gas or electric. Mr. Bash said electric.

PRESENTATION

- John McDonough, Planner sworn under oath and credentials were accepted by the Board.
- Mr. McDonough displayed **Exhibit A1 (three pages of pictures – Dated October 8, 2024)** which were taken around 2:00 PM and said that they depict the area of analysis. He believes that planters would enhance livability.

BOARD QUESTIONS

- Chairperson Neuer asked where the six (6) units are located. Mr. McDonough said that it is the green building in the pictures.
- B.D. Scott asked if the modular home would be on cinderblocks. Mr. McDonough said yes it is in the pictures but the foundation of sorts will be permanent.
- A. Weiss said that the Final Site Plans will need landscaping. Mr. McDonough said that planters were agreed upon.
- M. Sussman gave information on black top because of sun not making sufferless of an issue – not creating area hotter than anything else.

PROFESSIONAL QUESTIONS

- G. Wheatle-Williams asked for confirmation and received it in reference to:
 - Pedestrian Path
 - Floor Area : purpose of having standard
 - Formula with example no rest w GM
 - Parking being a valet service ; control element and not a free for all.
 - View from Eagle Rock Avenue
- No questions from J. Hess

PUBLIC QUESTIONS

- Kevin Malanga asked about the area being surrounded by trees. Mr. McDonough said that he is not an engineer but it's a service road and believes that Mr. Bash answered yes to this previously.

NO PUBLIC COMMENT

Mr. Schkolnick did not offer any closing remarks.

BOARD DISCUSSION

- B.D Scott offered remarks.
- M. Sussman offered remarks.
- I. Schwarzbaum offered a condition of having the building only usable during May to November of the calendar year. Chairperson said that he disagreed; as the condition could possibly cause an issue if the need for the structure goes outside of that time period. Better to leave it with no time guards attached.
- P. Ricci offered remarks.

Exhibit A1 (three pages of pictures – Dated October 8, 2024)

CONDITIONS:

- The Applicant shall install planters in such species and locations as approved by the Board Planner, Board Engineer, and Township Forester.
- The Applicant shall post sufficient funds with the Township to satisfy any deficiency in the Applicant's escrow account;
- The aforementioned approval shall be subject to all requirements, conditions, restrictions and limitations outlined in all prior governmental approvals, to the extent same are not inconsistent with the terms and conditions set forth herein;
- The Applicant shall comply with all Federal, State, County and Township statutes, ordinances, rules, regulations, and requirements affecting development in the Township, County and State;
- The Applicant is and shall be bound by all the evidence, including documents and testimony presented by the Applicant at the Public Hearing;
- Pursuant to Sections 25-48.10(a) and 25-48.10(c) of the Ordinance, the variance relief granted by the Board and identified herein shall expire within two (2) years and one (1) day from the date of publication of a notice of the granting of such relief in either the official newspaper of the Township of West Orange or a newspaper of general circulation in the Township, unless, before the expiration of said two (2) year and one (1) day period, either (i) a building or construction permit is secured and issued or (ii) the actions authorized hereby have been taken; and
- These Conditions shall be printed on the engineering drawings submitted for filing in the official records of the Board.

Motion to Approve: Chairperson Neuer
Second: I. Schwarzbaum

Barbee:	-	Scott:	No
Dannemiller (Alt. 1)	Y	Weiss:	-
Eben:	Y	Chairperson Neuer:	Y
Ricci:	Y		
Sussman (Alt. 2)	Y		
Schwarzbaum:	Y		

NOTES:

Chairperson Neuer adjourned the meeting at 11:15 PM.

Adopted: 12/19/24


Diana L. Chandler, Secretary