

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
July 16, 2020

The West Orange Zoning Board of Adjustment held a meeting on July 16, 2020 commencing 8:00 PM utilizing the virtual Zoom platform.

Chairman Neuer called the meeting to order at approximately 8:00 P.M. 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.”

Chairman Neuer asked everyone to stand for the Pledge of Allegiance.

PRESENT: J. Eben, D. Gabry, P. Neuer, B. Quentzel, J. Redwine
W. Steinhart, M. Straker, M. Sussman, A. Weiss

ABSENT: I. Schwarzbaum (excused)

ALSO PRESENT: Paul Grygiel, Acting Planning Director for the Township
Greg Valesi, Acting Township Engineer
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary
Harvey Grossman, Esq., Public Advocate

ANNOUNCEMENTS

Future Meetings: August 20, 2020 (regular meeting)
September 17, 2020 (regular meeting)

Application **ZB-20-05/Keith and Mary Beth Russell**, that was scheduled to be heard at this meeting, has been carried over and adjourned to the Zoning Board regular meeting scheduled for August 20, 2020 and no further notice will be required.

Chairman Neuer announced that Laura Carucci, court reporter for applicant ZB-19-10/955 Pleasant Valley Way, LLC, will be the official transcriber for this meeting.

MINUTES June 18, 2020 (regular meeting)

Chairman Neuer stated that the draft minutes from the June 18, 2020 regular meeting were circulated to all of the Board Members.

Chairman Neuer asked if any Board Member had any comments; there were none.

Chairman Neuer made a motion to adopt said minutes and Ms. Gabry seconded the motion.

All were in favor.

SWEARING IN

Paul Grygiel, acting Planning Director for the Township and Greg Valesi, acting Engineer for the Township were sworn under oath.

RESOLUTIONS

ZB-20-03/Harvey Mgmt. Corporation

Block: 152.22; Lot: 1422; Zone: R

432 Pleasant Valley Way

Seeking a “d” and “c” variances for modifications to an existing fast food restaurant.

Chairman Neuer stated that this resolution was circulated to all of the Board Members and that it includes comments from Mr. Eben and himself.

There was a discussion regarding the roof drains in condition #6; the applicant agreed to submit a certified letter confirming that the roof drains are not clogged.

Mr. Eben questioned if the fence that is being proposed between the two driveways on the south border would require another variance.

Chairman Neuer stated that if a variance is required, the Board discussed it during the hearing and the application has already been approved.

Mr. Eben stated that he cannot agree to that.

The vote was as follows:

Eben:	No	Steinhart:	Yes
Gabry:	Yes	Straker:	-
Quentzel:	Yes	Sussman:	-
Redwine:	Yes	Weiss:	Yes
Schwarzbaum:	-	Chairman Neuer:	Yes

Chairman Neuer stated that the resolution was adopted all to one.

APPLICATIONS

1. ZB-19-10/955 Pleasant Valley Way, LLC

Carried from 6/18/2020

Block: 172.02; Lots: 8.01 & 8.03; Zone: B-2

955 & 963 Pleasant Valley Way

Seeking “d” use and height variances and “c” variances and preliminary and final major site plan approval to construct a four (4) story self-storage facility.

EXHIBITS

A-1 – Aerial view of the site, prepared by Stonefield Engineering, dated 2/20/2020.

A-2 – Concept plan B, prepared by Stonefield Engineering dated 7/16/2020

A-3 - Rendered site plan dated 7/16/2020

A-4 – Section exhibit dated 6/3/2020

Chairman Neuer stated for the record that all of the documents for this application are available as attachments to the agenda for the general public to access and view.

Jason Tuvel, attorney for the applicant, stated that the last time they appeared before this Board was on February 20, 2020. He stated that the applicant had bifurcated the application at that time but has since amended the application to request major site plan approval.

Mr. Tuvel stated that they have reduced the size of the building and it complies with all of the set-backs and buffers. He said they also reduced the number of variances.

Chairman Neuer clarified and stated that the original application that they submitted was strictly for the use variances and not for site plan review.

Chairman Neuer asked Mr. Tuvel if he agrees with the variances that were listed in Mr. Grygiel’s review memo; he said yes.

Chairman Neuer referred to the letter from Stonefield Engineering dated July 15, 2020 that addressed the height issue stating that it was unsigned; Mr. Tuvel stated that Mr. Martell will testify to that and submit a signed and sealed letter.

Mr. Tuvel asked Chairman Neuer if Board Member, Mr. Sussman, still has a conflict regarding this matter; Chairman Neuer said yes and that Mr. Sussman is recused from hearing this application. Mr. Sussman left the meeting.

Mr.. Tuvel stated that the applicant’s site engineer, landscape architect, traffic engineer and operations will testify at the meeting tonight.

Jeffrey Martell, P.E. was sworn under oath and detailed his professional and educational background as a professional engineer licensed in the State of New Jersey.

Chairman Neuer accepted Mr. Martell as an expert in professional engineering.

Mr. Martell presented an aerial exhibit that was prepared by Stonefield Engineering, dated 2/20/2020, that was marked as Exhibit A-1 for identification.

Mr. Martell referred to Exhibit A-1 and detailed it.

Mr. Martell presented Plan B of the original plan that was presented, prepared by Stonefield Engineering and dated 7/16/2020, and was marked as Exhibit A-2 for identification.

Mr. Martell referred to Exhibit A-2 and detailed it.

Mr. Martell stated that this is a full site plan application and he listed all of the plans that were submitted.

Mr. Martell presented the rendered site plan that was dated 7/16/2020 and marked as Exhibit A-3 for identification

Mr. Martell referred to Exhibit A-3 and detailed it.

Mr. Martell stated that the total floor space was reduced, they modified the shape and location of the building, reduced the main roof line and increased the number of parking spaces.

Mr. Martell stated that they submitted a tree removal plan with the full inventory of trees and met with the Township Forester.

Mr. Martell stat that one story of the building will be below ground, one story at grade and three stories above that. He said the entrance is on the first level.

Mr. Martell detailed the building entrances and the trash enclosure location which is only for household trash. He said that there will not be a dumpster for those who rent the units.

Mr. Martell detailed the access driveways stating that they were designed for box, fire and delivery trucks.

Mr. Martell stated that they are proposing an underground detention basin and all new utilities.

He stated that lighting will be contained at the front of the building and that there will not be any lighting on the sides or rear base of the building.

Mr. Martell detailed the location of the lights and stated that there will not be any light spillage on any of the adjacent residential properties; he said they are proposing all LED down spill light fixtures.

Mr. Martell stated that they are proposing to install swales that will be directed to the catch basins and into the County storm water basins. He said that all storm water will be collected into the County system.

Mr. Martell detailed the lot area of the two lots and the impervious coverage.

Mr. Martell delineated on the site plan the buffer from the residential properties and the buffers from all sides of the building.

Mr. Martell presented the section exhibit dated 6/3/2020 that was marked as Exhibit A-4 for identification.

Mr. Martell referred to Exhibit A-4 and detailed it; he said that four stories will be exposed from Pleasant Valley Way.

Mr. Tuvel asked Mr. Martell if the site distance of the driveways are appropriate; he said yes.

Mr. Tuvel asked Mr. Martell if the applicant will comply with all of the items in the review memo from CME dated 7/7/2020; he said yes.

Chairman Neuer asked Mr. Tuvel to submit a letter to the Board Secretary stating that all of the taxes are up to date on the properties.

Chairman Neuer questioned the monitoring wells on the site and asked Mr. Tuvel if the LSRP will be testifying; he said yes.

Mr. Tuvel stated that there are existing monitoring wells on the site; he said some will be relocated, some re-set and some will remain. Mr. Tuvel said that the wells have no negative impact on the site.

Chairman Neuer stated that there are two LSRP's on this site; he said someone will have to do the calculations to get proper readings that everyone admits is a contaminated site.

Mr. Tuvel said Mr. Martell is not the environmental expert and not the person to testify to this.

Chairman Neuer asked Mr. Martell how many stories will the building have; he said five (5); one (1) below level and four (4) above level. Mr. Martell stated that the one completely underground is defined as a cellar; he said they reduced the building height by ten (10) feet but it will have the same amount of levels.

Chairman Neuer stated that his recommendation for a condition will be that the underground retention system will not provide any contact with ground water.

Mr. Martell stated that the open swales will be lined and will not be in contact with ground water.

Chairman Neuer stated that he also recommends as a condition that the swales have no contact with ground water.

Mr. Eben asked Mr. Martell how deep the swale in the rear of the building is; he said eighteen (18) inches deep.

Mr. Eben asked Mr. Martell if the swale in the rear of the building can handle the runoff; he said yes

Mr. Eben asked Mr. Martell how they will handle replacing the trees on the slope if they needed to be replaced; he said on foot,

Mr. Eben asked Mr. Martell if he reviewed the storm water report; he said yes.

Mr. Eben asked Mr. Martell if there was any evidence of water in the report; he said no.

Mr. Eben asked Mr. Martell if there was evidence of rock in the report; he said yes.

Mr. Eben asked Mr. Martell if the rock will be in the way of construction; he said no and that there will be no blasting to remove the rock.

Chairman Neuer asked Mr. Martell how much soil will be removed from the site and did he calculate that; he said he did not calculate that but someone can.

Chairman Neuer advised Mr. Tuvel to have the calculations of how much soil will be removed from the site at the next meeting.

Mr. Valesi stated that he recommends a plan on how the monitoring wells will be relocated and signed off by the LSRP. Mr. Tuvel stated that he will address that.

There were no further questions for Mr. Martell from any of the Board Members or the Board Professionals.

Chairman Neuer asked if any members of the public had any questions for Mr. Martell.

Charles Upshaw, residing at 105 Roseville Avenue, asked Mr. Martell if there was a study done regarding construction involving the steep slope behind the property; he said yes.

Chairman Neuer asked Mr. Tuvel if that report was submitted; he said the geo tech report was not submitted.

Chairman Neuer advised Mr. Tuvel to submit the report and suggested that they bring in a geological expert to determine if there will not be any disturbance to the slope behind the property.

Mr. Tuvel stated that they will bring in the expert to testify.

Kevin Malanga, residing at 57 Ridge Road, asked Mr. Martell if there is a sheeting and shearing plan; he said no.

Mr. Malanga asked Mr. Martell if they intend on preparing one; he said yes when they apply for the construction permits.

Manual Lim, residing on Pleasant Valley Way, asked Mr. Martell to explain the location of the revised egress driveways; he complied.

Mr. Lim asked Mr. Martell if they will remove the contaminated soil and replace it; he said that question can be answered by the LSRP.

Chairman Neuer advised the residents that there will be a licensed site remediation professional testifying at a meeting at a later date.

June Archer, residing at 919 Pleasant Valley Way, asked Mr. Martell to explain how the lights will not spill on to the residential properties; he referred to the lighting plan and detailed how there will not be any spillage.

Gloria Perez, residing at 125 Roosevelt Avenue, asked Mr. Martell what will be put in place for a safety barrier for the residents on Roosevelt Avenue; he said that they will install a fence if requested by the Board and the residents.

Mr. Martell stated that security lighting could also be installed if the Board requests it.

There were no further questions for Mr. Martell from the general public.

Mr. Tuvel called his next witness.

Paul DeVitto, landscape architect for the applicant, was sworn under oath.

Mr. DeVitto detailed his professional and educational background as a landscape architect licensed in the State of New Jersey.

Chairman Neuer accepted Mr. DeVitto as an expert in landscape architect.

Mr. DeVitto stated that he chose what species of trees will be planted on the site and detailed the species and why they were chosen for this site.

Mr. DeVitto presented sheet C11 of the landscaping plan and delineated on the plan what trees are being preserved and the percentage of the trees on the site being preserved. He also detailed where the new trees will be planted on the site.

Mr. DeVitto stated that the Landscaping Plan was signed and sealed by Mr. Martell but he will co-sign it before the next meeting.

Mr. Eben asked Mr. DeVitto if he agrees with Mr. Martell regarding how the trees will be replaced on the western side of the building; he said yes.

Mr. Eben asked Mr. DeVitto if the excavation of the building will disturb the existing trees; he said no. Mr. DeVitto said that there will be a tree protection fence in place.

Mr. Eben asked Mr. DeVitto if the evergreen trees were chosen to hide the dumpster; he said yes.

Mr. Eben asked Mr. DeVitto if they will rake the leaves on the site so that they do not go into the catch basin; he said the owner of the property can confirm that.

There were no further questions for Mr. DeVitto from any Members of the Board or Board Professionals.

Chairman Neuer asked if any members of the public had any questions for Mr. DeVitto.

June Archer, residing at 919 Pleasant Valley Way, asked Mr. DeVitto how long does a new tree take to grow to the size of the existing trees on the site; he said new trees grow on an average of twelve (12) to twenty four (24) inches per year.

Ms. Archer asked Mr. DeVitto what the average age of the existing trees on the site are; he said approximately fifty (50) years old.

Ms. Archer asked Mr. DeVitto what the intention is for planting new trees; he said in order to provide buffering to the residential properties and repairing any gaps in the area.

Ms. Archer asked Mr. DeVitto why they could not plant more mature trees; he said that would be a consideration but there are limits to the sizes of trees you can purchase. Mr. DeVitto stated that the trees that they are planting now are seven (7) feet tall.

Chairman Neuer asked Mr. DeVitto how long would it take for a seven (7) foot tree to shield a twenty (20) foot building; he said about five (5) to ten (10) years.

Chairman Neuer asked Mr. DeVitto to find out if they could plant twelve (12) to fifteen (15) foot trees; Mr. Tuvel said that they would look into planting taller trees on the western side of the site.

There were no further questions for Mr. DeVitto.

Chairman Neuer noted the time and asked Mr. Tuvel if he has a witness that would take twenty (20) minutes to testify; he said no.

Chairman Neuer stated that this application will be carried over to the next meeting on 8/20/2020 and that no further notice will be necessary.

Chairman Neuer stated that the Board would like to hear from the Applicant's Operations individual at the next meeting.

The meeting was adjourned by Chairman Neuer at 10:40 pm.

Adopted: August 20, 2020


Rose DeSena, Zoning Board Secretary