

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
August 20, 2020**

The West Orange Zoning Board of Adjustment held a meeting on August 20, 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, P. Neuer, B. Quentzel, J. Redwine
W. Steinhart, I. Schwarzbaum

ABSENT: D. Gabry (excused)
M. Straker (excused)
M. Sussman (excused - recused from hearing ZB-19-10/955 Pleasant Valley Way)
A. Weiss (excused)

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

ANNOUNCEMENTS

Future Meetings: September 17, 2020 (regular meeting)
October 15, 2020 (regular meeting)
November 19, 2020 (regular meeting)

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

Chairman Neuer announced that application ZB-20-04/Valley Hill Properties LLC, that was scheduled to be heard at this meeting, has been carried over and adjourned to the Zoning Board regular meeting to be held on 9/17/2020 and that no further notice will be required.

Chairman Neuer announced that application ZB-20-05/Russell, also scheduled to be heard at this meeting, has been carried over and adjourned to the Zoning Board regular meeting to be held on 10/15/2020 and that no further notice will be required.

MINUTES

July 16, 2020

Chairman Neuer stated that the draft minutes from the July 16, 2020 regular meeting were circulated to all of the Board Members.

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

Mr. Steinhart made a motion to adopt said minutes and Chairman Neuer seconded the motion.

Six were in favor; One opposed.

SWEARING IN

Paul Grygiel, acting Planning Director for the Township and John Hess, Consulting Engineer for the Township were sworn under oath.

APPLICATIONS

- 1. ZB-19-10/955 Pleasant Valley Way, LLC** **Carried from 7/16/2020**
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

Jason Tuval, attorney for the applicant, stated that the last time they appeared before the Board was on August 20, 2020.

Mr. Tuval stated that the applicant’s traffic expert will be testifying at this meeting along with the Licensed Site Remediation Professional (LSRP) for the property.

Matthew Seckler, traffic engineer for the applicant, was sworn under oath. He detailed his educational and professional background as a Professional Traffic Engineer licensed by the State of New Jersey.

Chairman Neuer accepted Mr. Seckler as an expert in traffic engineering.

Mr. Seckler stated that he visited the site and prepared two (2) reports; a parking memorandum dated 4/30/2020 and revised on 8/5/2020 and traffic assessment dated 4/30/2020 and revised on 8/5/2020.

Chairman Neuer stated that there was also a report prepared by Mr. Seckler dated November, 2019 that was submitted and reviewed by the Board.

Mr. Seckler stated that he prepared that report in November, 2019 when the application was originally bifurcated; he said that his reports were updated according to the changes to the site plan.

Mr. Seckler detailed the conditions of the roadways and referred to Exhibit A-1 detailing the existing access points on the site.

Mr. Seckler stated that Pleasant Valley Way is a county road and he met with the Essex County Planner, Mr. Antonio, to discuss the site. He said that there is a sixteen (16) foot wide reservation along the frontage of the site and Mr. Antonio told him that as long as they do not build any buildings within the reservation area the County will have no problem with the project. Mr. Seckler said that Mr. Antonio also said that there are no present plans for widening the roadway either. He said that Mr. Antonio said that the County would have issues with a left turn at the southerly driveway but not at the northerly driveway.

Mr. Seckler referred to Exhibit A-3 and delineated the proposed curb cuts; he stated that they will comply with any County restrictions.. Mr. Seckler said the driveways are consistent with the County driveway design standards.

Mr. Seckler detailed the average trip generations for a storage unit facility from the ITE trip generation manual. He detailed how many trips were generated per day for a convenience store that was previously approved by the Township's Planning Board for this site; he said there would have been much more traffic during the day. Mr. Seckler stated that storage unit facilities have much less trips per day and zero trips over the night hours. He said the facility will close at 10:00 pm.

Mr. Seckler said that they are seeking a parking variance; two hundred twelve (212) parking space are required for the site and they are proposing twelve (12) standard size parking spaces and four (4) loading spaces. He said that they looked at other storage unit facilities, bigger ones and smaller ones than the one proposed for this site, and they have less parking spaces.

Mr. Seckler said that they anticipate twenty three (23) customers' cars throughout the day and they stay on an average of less than thirty (30) minutes; he said that sixteen (16) parking spaces

will be enough. Mr. Seckler said that this will not have a negative impact on the surrounding properties.

Mr. Seckler referred to Exhibit A-3 and delineated how cars and trucks will maneuver in and out of the site; he also detailed the sight distances.

Mr. Seckler stated that the proposed sidewalks and curbs meet the Essex County specifications.

Mr. Seckler stated that the headlight glare of the cars maneuvering on the site will not affect the residential properties because the cars headlights do not face them; he said that the proposed access management plan is an improvement over what is there today.

Chairman Neuer stated that car headlights will not shine on the residential properties if they park head on but asked Mr. Seckler what happens if someone backs into a parking space; he said that there is sufficient landscaping being proposed to shield the headlights if someone decides to back into a parking space.

Chairman Neuer asked Mr. Seckler if the proposed site is on a T intersection; he said yes.

Chairman Neuer asked Mr. Seckler how many times he visited the site; he said three (3) times and detailed the days and times he was there. Mr. Seckler said he did not visit the site during the morning hours.

Chairman Neuer asked Mr. Seckler if he has any information regarding the queuing of the cars on Pleasant Valley Way and Mt. Pleasant Avenue; he said yes.

Chairman Neuer asked Mr. Seckler if he adjusted any of the ITE figures; he said no. He said that the ITE provides data from engineers who actually visit the site and take photos.

Chairman Neuer asked Mr. Seckler what other data the ITE collects; he said the sizes of buildings and the number of storage units. Mr. Seckler said that they do not collect data on the number of leases because that is private information.

Mr. Seckler said that the ITE data is the standard use; Chairman Neuer stated that it is not perfect.

Chairman Neuer asked Mr. Seckler to explain the impacts of the reservation for road-widening by Essex County. Mr. Seckler stated that the present intention is to not widen Pleasant Valley Way. Chairman Neuer observed that the County will not commit to never widening this roadway in the future.

Mr. Eben asked Mr. Seckler why there is no letter from the County regarding what he testified to; he said that there is email correspondence from the County with the conversation he had with Mr. Antonio.

Chairman Neuer, Vice-Chairman Schwarzbaum and Mr. Eben all requested copies of all emails between Mr. Seckler and Mr. Antonio. Mr. Tuval stated that they will supply the Board with that email from the County. The County will not approve or reject this application to the County until after this Board acts.

Mr. Eben asked Mr. Seckler if one employee will take one of the parking spaces on the site; he said yes.

Mr. Eben suggested that they require the employee to park closest to the dumpster area; Mr. Tuval said that would be fine if the Board wants that.

Mr. Eben asked Mr. Seckler how they would prevent a car from parking in the loading spaces if all of the other parking spaces are being utilized; he said the Township Fire Official will probably recommend striping that area.

Mr. Eben asked Mr. Seckler if he looked at the existing storage unit that is located in town; he said no that he did not view that storage unit. Mr. Seckler said that he did compare this one to the one located on Eisenhower Parkway that has equal parking spaces.

Chairman Neuer called for a break at 9:41 pm.

Chairman Neuer resumed the meeting at 9:46 pm.

Mr. Schwarzbaum asked Mr. Seckler to detail what signs are being proposed and where they will be at the access driveways; he complied.

Mr. Schwarzbaum asked Mr. Seckler to detail how a car will enter and exit the site; he complied.

Chairman Neuer stated for the record that Mr. Schwarzbaum has signed an affidavit that he has listened to the audios of the June 18th and July 16th Zoning Board meetings and is eligible to vote on this application if it comes to that this evening.

Mr. Redwine asked Mr. Seckler to refer to Exhibit A-3 and delineate the location of the sixteen (16) foot reservation; he complied.

Mr. Hess stated that he only has one concern regarding the southerly driveway; he said for them to make it a right turn egress only. That suggestion remains open.

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

Chairman Neuer asked if any member of the public had any questions for Mr. Seckler.

Manual Lim stated that he lived at 938 Pleasant Valley Way. He asked if they could not allow a left turn out of the northerly driveway because the headlights from the cars leaving the site shine on the houses located on Pleasant Valley Way.

Chairman Neuer asked Mr. Tuval to mention that to the County Planner.

Mr. Tuval asked Mr. Seckler if the site would have any impact on the queuing of the cars; he said not with a use like this.

Mr. Tuval asked Mr. Seckler if occupancy rates affected his analysis; he said no.

Mr. Tuval called his next witness.

Michael Weaver, environmental consultant, was sworn under oath.

Mr. Weaver detailed his educational and professional background as a licensed site remedial professional (LSRP) and environmental science expert.

Chairman Neuer accepted Mr. Weaver as an LSRP.

Mr. Weaver stated that he did his due diligence on the property; performed the Phase 1 and the preliminary assessment of the property. He said that he also analysed the existing remediation of the site.

Mr. Weaver detailed the environmental condition of the property; he said the underground tanks and soil was removed. Mr. Weaver said that ground water remediation was performed on the site and that the ground water contamination has been significantly reduced. He said that they will be monitoring it until it reaches acceptable levels.

Mr. Weaver said that there are fourteen (14) monitoring wells on the site and one monitoring well off site and detailed the locations. He said that BP will seal the wells and reinstall six (6) of them when the site begins development. Mr. Weaver said that is very common to re-install monitoring wells, especially when construction is going on so that they will not be damaged.

Mr. Weaver said that there is no soil contamination remaining on the site; he said ground water contamination is very common on a gas station site.

Mr. Weaver said the six (6) monitoring wells will work with the site plan and will be located basically in the parking area. He said that the Department of Environmental Protection (DEP) will have the final say as to how many wells they will have to re-install.

Mr. Schwarzbaum asked Mr. Weaver why monitoring wells are installed; he said so that they can see what is happening with the ground water over time. Mr. Weaver said that the northern portion of the site is primarily where the ground water is still contaminated.

Mr. Schwarzbaum asked Mr. Weaver the depth of the monitoring wells; he said approximately five (5) to fifteen (15) feet below grade.

Mr. Schwarzbaum asked Mr. Weaver what impact the soil has on the ground water; he said that there is some residual petroleum below the surface that feeds the ground water contamination.

Chairman Neuer asked Mr. Weaver if there is any evidence of vapor intrusion; he said no.

Chairman Neuer asked Mr. Weaver if he will assume being the LSRP once the applicant takes ownership of the site; he said no. Mr. Weaver said that BP will have someone responsible for that.

Mr. Weaver stated that up until 2035 there will still not be acceptable levels of ground water; he said there will still be contamination.

Chairman Neuer asked Mr. Weaver if visitors have to be notified of the contamination; he said no. Mr. Weaver said this is not required by the NJDEP.

Mr. Redwine asked Mr. Weaver if the replacement wells get drilled prior to capping and moving the existing wells; he said you cannot drill the new well in the location of the existing well. Mr. Weaver said they fill the existing well with cement and drill a few feet from the existing well.

Mr. Hess asked Mr. Weaver what is required from the DEP to allow the applicant to build a new building; he said the applicant is not required to get permission from the DEP because BP is responsible for cleaning up the site.

Mr. Weaver stated that there is a limited restricted use on the site; that is why there are monitoring wells. He said that buildings can be constructed because there is no soil contamination. Mr. Weaver said that the site has to be cleaned up no matter the use.

Mr. Tuval asked Mr. Weaver if anything environmentally will prohibit the use of a storage unit at that site; he said no. Mr. Weaver said that it will only improve the conditions.

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

Chairman Neuer asked if any members of the public has any questions for Mr. Weaver.

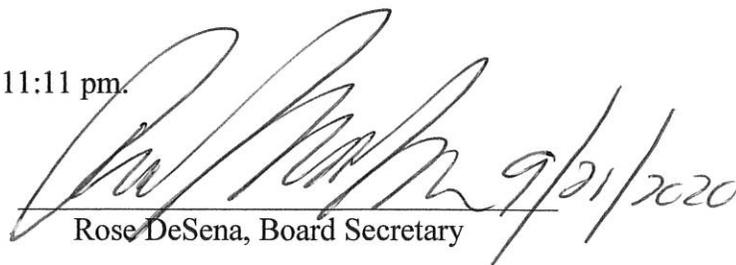
Manual Lim stated that he lives at 938 Pleasant Valley Way. Mr. Lim asked Mr. Weaver, according to a map that he has showing an offsite well, who will be responsible for the offsite water contamination; he said that the offsite well is clean. Mr. Weaver said that there is no off site water contamination.

Chairman Neuer advised Mr. Lim that he can submit the map he is talking about as an Exhibit if he finds it.

Chairman Neuer noted the time and stated for the record that this meeting will be carried over to a special Zoning Board meeting held on 9/24/2020 and that no further notice is required.

The meeting was adjourned by Chairman Neuer at 11:11 pm.

Adopted: September 17, 2020



Rose DeSena, Board Secretary