

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
May 6, 2015**

The Township of West Orange Planning Board held a regular meeting on May 6, 2015 at 7:30 P.M. in Council Chambers, 66 Main Street, West Orange, New Jersey.

Chairman Heller called the meeting to order at approximately 7:38 P.M. It was announced that notification of this meeting was given to the Township Clerk, and posted on the Township Bulletin Board on December 11, 2014 in accordance with the requirements of the "Open Public Meetings Act".

PRESENT: Robert Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Chairman Ben Heller, Lee Klein, Councilwoman Susan McCartney, Vice Chairman Ron Weston,

ABSENT: Jason Lester, William Wilkes II

ALSO PRESENT: Paul Grygiel, AICP, PP, Acting Township Planner, Patrick J. Dwyer, Esq., Board Attorney, Robin Miller, Board Secretary, Kevin Dillon, Audio-Digital Transcription Service

PLEDGE OF ALLEGIANCE

Chairman Heller requested all persons stand for the Pledge of Allegiance.

ROLL CALL

Robert Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Chairman Ben Heller, Lee Klein, Jason Lester, Council President Susan McCartney, Vice Chairman Ron Weston, William Wilkes II

ANNOUNCEMENTS

The next Planning Board regular meeting will be held on June 3, 2015 in Council Chambers at 7:30 P.M.

ADOPT MINUTES

DISCUSSION

Mr. Eben stated the minutes of the January 7, 2015 regular meeting listed the brick return on the pizza parlor as four feet; the conditions listed in the minutes identified the return as four feet. Mr. Eben stated his notes listed the return as five feet; he believed the attorney agreed to five feet. Chairman Heller and Mr. Dwyer advised Mr. Eben that the Resolution had been adopted. The return would remain four feet unless the Resolution was amended. The Board discussed contacting

the Applicant to inquire if the brick return could be increased to five feet. Mr. Dwyer advised the final version of the Resolution adopted by the Board incorporated the changes suggested by Mr. Russo and Vice Chairman Weston.

The Board voted on adopting the January 7, 2015 minutes as follows:

Motion: Dr. Bagoff

Second: Chairman Heller

Bagoff:	Yes	Carlucci:	-	Eben:	Yes	Ghebremicael:	-
Gurland:	Yes	Klein:	Yes	Lester:	-	McCartney:	Yes
Weston:	-	Wilkes:	-	Heller:	Yes		

The Board voted on adopting the February 4, 2015 minutes as follows:

Motion: Dr. Bagoff

Second: Mr. Gurland

Bagoff:	Yes	Carlucci:	Yes	Eben:	-	Ghebremicael:	-
Gurland:	Yes	Klein:	-	Lester:	-	McCartney:	Yes
Weston:	Yes	Wilkes:	-	Heller:	Yes		

SWEARING IN

Paul Grygiel, AICP, PP, Acting Township Planner.

RESOLUTION(S)

PB-15-01/Reuven and ADI, LLC

Block: 114; Lots: 110; Zone: MSS

222 Main Street

Amended Final Major Site Plan with "C" Variances.

The Board voted on the Resolution as follows: Motion:

Second: Vice Chairman Weston

Bagoff:	-	Carlucci:	-	Eben:	Yes	Ghebremicael:	-
Gurland:	-	Klein:	-	Lester:	Absent	McCartney:	-
Weston:	Yes	Wilkes:	Absent	Heller:	Yes		

DISCUSSION(S)

Home Occupation

Home Professional

Outdoor Café

Site Plan Review Advisory Board Fees

Mr. Grygiel distributed his memorandum dated May 6, 2015, "Recommendations for Additional Zoning Changes Related to Recently Adopted Technical Review Modifications". He said the Township Council had recently adopted an ordinance replacing the Technical Review Committee

with the Site Plan Review Advisory Board ("SPRAB"). As necessary, other sections of the ordinance were revised to reflect the changes to the Technical Review Committee. Subsequently, it had been determined there were additional sections of the ordinance that refer to the Technical Review Committee that had not been updated. Mr. Grygiel discussed the sections and his recommendations:

Section 25-8-4, Walls and Fences – Mr. Grygiel said the current ordinance stated that an applicant was required to apply to the Planning Board for technical review if the fence exceeded the permitted limit of six feet; Mr. Grygiel recommended the requirement to apply for technical review be stricken. Additionally the section stated an applicant could apply for permission for "barbed and/or razor wire" through technical review; Mr. Grygiel recommended this requirement also be stricken. Mr. Eben said the Board should talk about the measurement of the six-foot fence; he said one side could be twenty feet because of the gradient; from where was the fence to be measured. Mr. Grygiel said the section of the ordinance did not discuss how the fence was measured. Dr. Bagoff opined the same methodology should be used as determining the lowest point of a house. Vice Chairman Weston said the definition was a separate issue from the current discussion; it could be discussed at a future date. Councilwoman McCartney questioned who would be reviewing that type of variance; Mr. Grygiel said it would be either the Zoning Officer or one of the Boards.

Section 25-9.9, Home Occupations – Mr. Grygiel described the application as a business run by a homeowner out of their home without employees other than one resident, no signage or designated parking. Mr. Gurland asked if there were any requirements for people who worked out of their homes; did they have to file an application and pay a fee; Mr. Grygiel answered the ordinance defined the requirements; however, it was so prevalent. Vice Chairman Weston stated that issues had come up in the past when residents had complained about intense use by a neighboring property. Mr. Dwyer stated there is was a bill pending at the State level trying to define "home based businesses" but it was difficult to define. Vice Chairman Weston stated the main issue for the current discussion was to remove the wording related to "Technical Review", the section would be revised to have Home Occupations reviewed by the Zoning Officer; the Zoning Board of Adjustment would hear appeals.

Section 25-9.9, Home Professional Office – Mr. Grygiel said a home professional office had more stringent requirements; it was actually a conditional use. He recommended it not be reviewed by SPRAB; the Zoning Official should make the determination if the conditions were met; if not, the application would appear before the Zoning Board of Adjustment for a "d(3)" variance.

Section 25-11.10, Sidewalk Cafes in the B-1 and B-2 Districts – Mr. Grygiel said the Building Department and/or the Zoning Officer should review the applications. Technical Review should be removed from the current language.

Section 32-2 Approving Agency; Administration – Mr. Grygiel said he found mention in the subdivision chapter of the Technical Review Committee allowing approval of minor subdivision without noticing or a full Board hearing; he recommended the provision be stricken; it was his opinion that an application for a minor subdivision be heard by the full Board.

Mr. Grygiel said that the Fee Schedule was another section of the ordinance the Board should consider revising. Currently there was no application fee listed for a Technical Review application. Vice Chairman Weston said the schedule should list a SPRAB application fee. Dr. Bagoff opined before the Board memorialize changes to the fee schedule, it determine current costs associated with digitizing to offer applicant the option of paying the digitizing fee or submitting documents in a digitized format.

Vice Chairman Weston suggested that Mr. Grygiel prepare a draft of the recommended ordinance revisions for Council consideration; the Board would review the draft and fine-tune the revisions at the June meeting.

Chairman Heller advised the Board the Township Council had passed the Sustainability Ordinance on first reading; it would be on the Council's next meeting agenda for second reading.

RE-ORGANIZATION

DISCUSSION

Chairman Heller said the meeting would be his last; in response to inquiry from Chairman Heller, Mr. Dwyer suggested the Board conduct the re-organization at present and have it go in to effect at the next regular meeting.

Appoint Chairman: Ron Weston

The Board voted on the Chairman as follows:

Motion: Dr. Bagoff

Second: Mr. Ghebremicael

Bagoff:	Yes	Carlucci:	Yes	Eben:	Yes	Ghebremicael:	Yes
Gurland:	Yes	Klein:	Yes	Lester:	Absent	McCartney:	Yes
Weston:	Yes	Wilkes:	Absent	Heller:	Yes		

Appoint Vice Chairman: Robert Bagoff

The Board voted on the Vice Chairman as follows:

Motion: Vice Chairman Weston

Second: Mrs. Carlucci

Bagoff:	Yes	Carlucci:	Yes	Eben:	Yes	Ghebremicael:	Yes
Gurland:	Yes	Klein:	Yes	Lester:	Absent	McCartney:	Yes
Weston:	Yes	Wilkes:	Absent	Heller:	Yes		

Appoint SPRAB Representative: Gerald Gurland

The Board voted on the Representative as follows:

Motion: Vice Chairman Weston

Second: Mr. Eben

Bagoff:	Yes	Carlucci:	Yes	Eben:	Yes	Ghebremicael:	Yes
Gurland:	Yes	Klein:	Yes	Lester:	Absent	McCartney:	Yes
Weston:	Yes	Wilkes:	Absent	Heller:	Yes		

Appoint SPRAB Representative Alternate: Councilwoman Susan McCartney

The Board voted on the Representative as follows:

Motion: Mr. Gurland

Second: Ms. Carlucci

Bagoff:	Yes	Carlucci:	Yes	Eben:	Yes	Ghebremicael:	Yes
Gurland:	Yes	Klein:	Yes	Lester:	Absent	McCartney:	Yes
Weston:	Yes	Wilkes:	Absent	Heller:	Yes		

Councilwoman McCartney requested a representative of the Downtown West Orange Alliance attend any SPRAB meeting that discussed an Application located in the Downtown corridor.

Mr. Heller thanked the Board for their support during past four and one half years; Vice Chairman Weston announced that on behalf of the Planning Board and the Mayor he was presenting Chairman Heller with a Certificate of Appreciation for his service.

MEETING ADJOURNED at approximately 8:13 P.M.

Minutes adopted September 9, 2015



Robin Miller, Secretary
Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY OCTOBER 7, 2015 AT 7:30 P.M. IN THE COUNCIL CHAMBER**