

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
MEETING MINUTES  
June 3, 2015**

The Township of West Orange Planning Board held a regular meeting on June 3, 2015 at 7:30 P.M. in Council Chambers, 66 Main Street, West Orange, New Jersey.

Chairman Weston called the meeting to order at approximately 7: 32 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:** Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Lee Klein,  
Councilwoman Susan McCartney, Gary Wegner, Chairman Ron Weston

**ABSENT:** Vice Chairman Robert Bagoff, Joanne Carlucci, Jason Lester, William Wilkes II

**ALSO PRESENT:** Paul Grygiel, AICP, PP, Acting Township Planner, Patrick J. Dwyer, Esq., Board Attorney (7:42 P.M.), Robin Miller, Board Secretary, Kevin Dillon, Audio-Digital Transcription Service

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

Vice Chairman Robert Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Lee Klein, Jason Lester, Councilwoman Susan McCartney, Gary Wegner, Chairman Ron Weston, William Wilkes II

**ANNOUNCEMENTS**

The next Planning Board regular meeting will be held on July 1, 2015 in the Council Chamber at 7:30 P.M.

Mayor Robert D. Parisi has made the following West Orange Planning Board appointments:

Jerome L. Eben, AIA, PP, Class IV member, for the term effective immediately and to continue through December 31, 2017.

Lee D. Klein, PE, Alternate Member #1, for the term effective immediately and to continue through December 31, 2016.

Gary B. Wegner, Alternate Member #2, for the term effective immediately and to continue through December 31, 2015.

**SWEARING IN**

Paul Grygiel, AICP, PP, Acting Township Planner.

## **RESOLUTION(S)**

None.

## **APPLICATION(S)**

None.

## **DISCUSSION(S)**

### **Recommendations for Additional Zoning Changes Related to Recently Adopted Technical Review Modifications.**

#### **Discussions**

#### **Sustainability Checklist**

Councilwoman McCartney advised the Township Council had adopted the Ordinance on second reading with the revisions discussed at the May meeting.

### **Recommendations for Additional Zoning Changes Related to Recently Adopted Technical Review Modifications.**

Mr. Grygiel gave a brief recapitulation of the previous month's discussion regarding the recently adopted Township Council ordinance replacing the former Technical Advisory Committee with a Site Plan Review Advisory Board. A number of the sections of the then-existing Land Use Regulations were amended to reflect the change. Subsequently, it had been determined that other sections of the ordinance that referenced the Technical Advisory Committee had not been revised or amended. Mr. Grygiel and the Board discussed the additional sections and his recommendations, including:

#### **25-8.4 Walls and Fences.**

Section 25-8.4d said an applicant for a fence in "all nonresidential districts" that exceeded the permitted limit of six feet "shall apply to the Planning Board for technical review." The provision should be removed, and any such deviation should be treated as a variance.

Section 25-8.4f said "barbed and/or razor wire is prohibited in all districts," but an applicant could request permission to allow it through technical review. The provision should be removed, and any such deviation should be treated as a variance.

#### **25-9.9 Home Occupations.**

This section required review of home occupations (i.e. a small-scale business conducted by a homeowner with no additional employees other than immediate family living on premises) by Technical Review Committee. It was noted there were a number of specific regulations for such uses, which could be reviewed by the Construction Official or Zoning Official.

The Board recommended revision to include a simplified site plan be submitted to the Building Department and Zoning Official; a Certificate of Continued Occupancy to be required for all home occupations.

### **25-9.10 Home Professional Office.**

A home professional office was a more intense use than a home occupation. The regulations for it included only being permitted on certain main roads. This use might be more properly reviewed by the full Planning Board as a site plan application, or by the Zoning Board of Adjustment if one or more conditional use standards was not met (i.e. meaning a “d(3)” variance was required).

### **25-11.10 Sidewalk Cafes in the B-1 and B-2 Districts.**

This section also included a number of standards for the use, which could be reviewed by the Construction Official or Zoning Official. An issue had been raised by the Zoning Official previously that while a definition of “outdoor cafe” was amended to include not just sidewalk cafes in a public right-of-way, but also outdoor dining ancillary to a restaurant on private property (i.e. in the rear of a building or in a shopping center), the regulations for sidewalk cafes in this section were not similarly broadened. Some minor changes were proposed, including allowing the use in the PC District (in which the Essex Green and Whole Foods shopping centers were located). Any reference to the Director of Planning and Development would remain unchanged.

### **25.56 Application Fees**

The existing ordinance did not include fees for Technical Review Committee applications, although there were fees in place for site plans, including conceptual plans, which had been utilized as the basis for tech review application fees. It is noted that most, if not all, applications to the SPRAB were anticipated to be full site plan applications already requiring application fees and/or escrow deposits, which would cover the review by the SPRAB as well as the Planning Board or Zoning Board of Adjustment. The issue should be monitored and revisited after the new SPRAB procedures were in place for some time in order to determine if any changes were warranted.

### **32-3 Approving Agency; Administration**

This section of the subdivision chapter allowed a minor subdivision to be reviewed by the Technical Advisory Committee, which may recommend to the Planning Board that full notice and hearing for the application may be waived. Mr. Grygiel suggested the provision be removed.

Harvey Grossman, Esq., Public Advocate, commented on the proposed changes.

**The Board voted on the Recommendation with the revisions as follows:**

**Motion:** Chairman Weston

**Second:** Mr. Ghebremicael

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

**MEETING ADJOURNED** at approximately 7:52 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**