

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
September 7, 2016**

The Township of West Orange Planning Board held a regular meeting on September 7, 2016 at 7:30 P.M. in the Council Chamber, 66 Main Street, West Orange, New Jersey.

Chairman Weston called the meeting to order at approximately 7:35 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

PRESENT: Vice Chairman Robert Bagoff, Jerome Eben, Lee Klein, Councilwoman Susan McCartney, Chairman Ron Weston

ABSENT: Joanne Carlucci, Tekeste Ghebremicael, Gerald Gurland, Jason Lester, Gary B. Wegner, William Wilkes II

ALSO PRESENT: Alice Bierne, Esq., Acting Board Attorney, Paul Grygiel, AICP, PP, Township Planner, Robin Miller, Board Secretary

ANNOUNCEMENTS

The next Planning Board regular meeting will be October 5, 2016 in the Council Chamber at 7:30 P.M.

ADOPT MINUTES

The minutes of the August 3, 2016 regular meeting were unanimously adopted.

SWEARING IN

Paul Grygiel, AICP, PP, Township Planner

RESOLUTIONS

PB-16-13C/County of Essex/Turtle Back Zoo/Lion & Hyena Exhibit
Block: 163; Lot: 1; Zone: R-1
560 Northfield Avenue
Courtesy Review Application.

DISCUSSION

Vice Chairman Bagoff gave a brief recapitulation of the Courtesy Review Application made by the County for a new Lion and Hyena Exhibit. Mr. Eben stated the Resolution did not reflect the agreement that the Board would be copied on correspondence between the Applicant's attorney, Mr. Fleder, and the County Executive regarding the Complete Streets policy and the Board's recommendation that sidewalks be extended west along Northfield Avenue. Chairman Weston advised that Mr. Dwyer had recently followed up with Mr. Fleder regarding the matter.

The Board voted on the Resolution as follows:

Motion: Vice Chairman Bagoff

Second: Councilwoman McCartney

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

Area in Need of Redevelopment & Area in Need of Rehabilitation

Preliminary Investigation Report – Eagle Rock Commercial Area
H2M Associates, Inc.

DISCUSSION

Vice Chairman Bagoff gave a recapitulation of the Board's decision to table the recommendation to Council to designate the properties an Area in Need of Redevelopment & Area in Need of Rehabilitation for one (1) year. He said the Resolution should include the following addendum: "The Township direct the Zoning Department to work with the subject property owners to resolve outstanding violation issues." Mr. Eben voiced concern that zoning and property maintenance issues discussed as part of the redevelopment presentation would not be addressed during the one-year interim. Ms. Bierne recommended the Board Secretary forward a copy of the recommendation to the Zoning Official.

The Board voted on the Resolution (with addendum) as follows:

Motion: Vice Chairman Bagoff

Second: Councilwoman McCartney

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

PRESENTATION

Area in Need of Redevelopment Study

Block: 9; Lots: 11.01, 11.02, 11.03, 32, & 36 and Block: 7; Lot: 22
25 Mitchell Street, 27 Mitchell Street, 29 Mitchell Street, 8-10 Central Avenue,
18 Central Avenue & 4 Tompkins Street
Matrix New World Engineering

EXHIBIT(S)

- A-1:** Aerial Photo of Project Site, prepared by Matrix Newworld Engineering Progress, dated September 6, 2016;
- A-2:** PowerPoint presentation, prepared by Matrix Newworld Engineering Progress, dated September 7, 2016, (12 pages).

DISCUSSION

Peter Van den Kooy, PP, AICP, Matrix Newworld Engineering Progress, was sworn in, stated his credentials, and was accepted by the Board to be an expert in professional planning.

Mr. Van den Kooy said the scope of the study was to conduct an inventory of the properties within the study area; evaluate if the characteristics and conditions of those properties meet the Local Redevelopment and Housing Law (LRHL) criteria; and then propose the findings and recommendations relevant to designation of all or a portion of the properties. Referring to Exhibit A-1, Mr. Van den Kooy identified the six (6) properties included in the study area: Block 9, Lot 11.01: 25 Mitchell Street; Block 9, Lot 11.02: 29 Mitchell Street; Block 9, Lot 11.03: 27 Mitchell Street; Block 9, Lot 32: 8-10 Mitchell Street known as "Biddleman Site"; and two properties known as "Selecto Flash Site": Block 9, Lot 36: 18 Central Avenue and Block 7, Lot 22: 4 Tompkins Street. He noted the Harvard Press Redevelopment area was located to the southeast and was contiguous with the study area. The study area was comprised of a total 2.42 acres.

Mr. Van den Kooy gave a brief summary of the Redevelopment process to date. The Council had adopted a resolution directing the Board to undertake a preliminary investigation of an area in need of redevelopment. The Township prepared a map showing the boundaries of the proposed redevelopment area and the location of the parcels to be included with a statement setting forth the basis of the investigation. The Board set the date and noticed for this public hearing. The Board will complete the public hearing and make its recommendation to the Council on whether or not to designate all or a portion of the proposed area as being in need of redevelopment.

Mr. Van den Kooy described the existing zoning and land uses. The study area was located in the I Industry District that permits light industry including dry cleaning plants, machine shops, publishing or printing plants, and other similar uses; and the R-M Multi-Family Residences District that permits Multi-family development, two family dwellings and other similar uses.

Referencing the Township's Master Plan 2010 Update; Mr. Van den Kooy cited specific objectives that were relevant to the presentation (pages 10-12) "encourage economic development and redevelopment that is compatible with suburban character of the Township with particular sensitivity to existing residential neighborhoods. As commercial and industrial facilities become obsolete and outdated, efforts should be made to rehabilitate and revitalize these areas prior to, or in lieu of, the development of existing open space." He said his findings indicated the "Biddleman" and "Selecto Flash" properties appeared to meet the criteria for the Master Plan objective. Further, (page 35) "The Township stated that they should consider expanding the Harvard Press Redevelopment Area to include nearby properties in order to "promote the comprehensive redevelopment of new uses that would contribute to West Orange's tax base, while taking advantage of proximity to the Highland Avenue Railroad Station. Provision of additional parking to

support development in this area is also encouraged.” He stated that was another key master plan objective taken in to consideration for the purpose of the study.

Referring to Exhibit A-2, slide entitled “Statutory Criteria”; Mr. Van den Kooy gave a brief recapitulation of the statutory criteria needed to be satisfied in determining an area in need of redevelopment. He stated that an area may be determined only if it is found to meet one or more of the criteria as set forth in the Local Redevelopment and Housing Law. Referring to “Table 2: Summary of Local Redevelopment & Housing Law Criteria Applicability”, Mr. Van den Kooy listed each individual property, described the site issues, and the applicable criteria met. Block 9, Lot 32: criteria A, D, E, and H; Block 9, Lot 36: criteria A, B, D, E, and H; Block 7, Lot 22: criteria C, E, and H; Block 9, Lot 11.01: criteria H and Section 3; Block 9, Lot 11.02: criteria H and Section 3; and Block 9, Lot 11.03: criteria H and Section 3.

Mr. Van den Kooy identified study area properties currently in the Central Valley Brownfield Development Area (CVBDA). He stated that properties the New Jersey Department of Environmental Protection (NJDEP) identified for Brownsfield remediation qualified for additional funding under the Hazardous Discharge Site Remediation Program. He said Block 9, Lot 32 (“Selecto Flash”), was a known contaminated site; and Block 9, Lot 36 (“Biddleman”) was previously subjected to Industrial Site Recovery Act (“ISRA”). He stated that approximately two months ago, the Township had requested the NJDEP include additional study area properties to the CVBDA to spur redevelopment efforts. He stated Block 9, Lots 11.01, 11.02 and 11.03 had potential contamination due to adjacent known contaminated sites to the north; and Block 7, Lot 22 had potential contamination, as the historic use of the site was unknown. In 1995, it was reported that a release had occurred that appeared to be related to an on-site underground storage tank. He stated the properties would be included in the Brownsfield and eligible for funding under the State program; they were currently under review.

Mr. Van den Kooy gave a brief recapitulation of the study area violations, deficiencies and other issues based upon research gathered through the Open Public Records Act (OPRA). He stated a detailed description was in the Redevelopment Study Report of July 11, 2016.

Mr. Van den Kooy gave a brief recapitulation of his findings based on statutory criteria requirements. Block 9, Lots 32 (“Biddleman”) and (“Selecto Flash”) properties satisfied “a” criterion; Block 9, Lot 36 (“Selecto Flash”) satisfied “b” criterion; Block 7, Lot 22 (“Selecto Flash”) satisfied “c” criterion; Block 9, Lots 32 (“Biddleman”) and 36 (“Selecto Flash”) satisfied “d” criterion; Block 9, Lot 32 (“Biddleman”) satisfied “e” criterion. He said all properties within the study area satisfied “h” criterion; and the Block 9, Lots 11.01, 11.02 and 11.03 properties satisfied Section 3 of the Local Redevelopment and Housing Law.

In conclusion, Mr. Van den Kooy recommended that the Council and Planning Board take the action necessary as prescribed by the LRHL to declare the parcels noted within the study area as a Condemnation Area in Need of Redevelopment. Once declared as a Condemnation Area in Need of Redevelopment, a Redevelopment Plan could be prepared and implemented to ensure proper utilization and development of property within the study area.

Mr. Van den Kooy had no further testimony.

Mr. Eben asked for clarification regarding the investigation, how was it determined that the properties were unsafe, had there been interior inspections of the properties. He voiced concern that should there be a fire or other emergency that required interior access by Township Police or Fire, the safety of those persons should be considered. Mr. Van den Kooy stated he had visited the sites twice but had not conducted interiors inspections. He stated that according to the Township Attorney, there had been recent interior inspections by Township professionals; unsafe conditions had been identified. He stated the issue was not his expertise; he stated he could follow up with the Township Attorney, Chairman Weston opined a notice regarding unsafe conditions would be posted on the building.

Mr. Eben stated the three residential houses within the study area had been constructed prior to any zoning. He had visited the site; he opined the houses did not look derelict. Mr. Van den Kooy stated they had been included by virtue of their location only. He stated the Board could chose not to include those properties in their recommendation. He stated that once a redevelopment plan had been drafted, it might be determined they were not essential to the plan.

Councilwoman McCartney asked for clarification regarding eminent domain if the residential properties located at Block 9, Lots 11.01, 11.02 and 11.03 were included in the determination. Mr. Van den Kooy stated the Township would have the ability to exercise eminent domain on those properties; however, based on the design of the redevelopment plan, the option to exercise might not be necessary. Councilwoman McCartney said a Transit Village Overlay Zoning plan had been completed in 2005; she opined the area had since deteriorated greatly.

Mr. Klein asked if in addition to the Harvard Press plan, had any other redevelopment plan been contemplated for the area. Mr. Van den Kooy stated that a redevelopment plan had not yet been done; he stated the Township had expressed the need for additional area parking; any new plan should be compatible with the Harvard plan.

Mr. Eben said there did not seem to be any mention of the Downtown overlay zone in the plan; Mr. Van den Kooy stated he would consider contacting the Downtown West Orange Alliance for their input.

There was further discussion between the Board and Mr. Van den Kooy regarding the “c” criterion assessment of the Selecto Flash property and the “d” criterion assessment of both the Selecto-Flash and Biddleman properties. There was discussion between the Board and Mr. Van den Kooy regarding state and federal funding for Brownsfield remediation.

Mr. Grygiel clarified that the Central Business District overlay zone ran from the Valley to Harrison Avenue, however, the Special Improvement District was not included in the area that was under consideration.

Questions from the Public:

Councilman Joe Krakoviak, 20 Grandview Avenue, asked several questions related to the “Biddleman” property, (8-10 Central Avenue, Block 9, Lot 32).

Florence Lu, 3 Candice Way, East Hanover, NJ, stated her husband owned the “Biddleman” property. She asked for clarification regarding how the designation might affect the property, and who was responsible for the environmental remediation of her (husband’s) property.

Public Comment:

Florence Lu, 3 Candice Way, East Hanover, NJ, was sworn in. She stated she did not want her property included in the area in need of redevelopment.

Chairman Weston announced a brief recess at approximately 9:17 P.M. He reconvened the meeting at approximately 9:20 P.M.

Public Comment (continued):

Councilman Joe Krakoviak, 20 Grandview Avenue, West Orange, NJ, was sworn in. He stated he was concerned about the potential disruption of ownership and uses. He requested the Board consider exclude Ms. Lu’s property (8-10 Central Avenue), the residential properties (25 Mitchell Street, 29 Mitchell Street, 27 Mitchell Street), and the “Selecto Flash” property at 4 Tompkins Street.

Chairman Weston closed the public hearing; the Board deliberated the Presentation.

Chairman Weston stated the Board had read the redevelopment study, he appreciated Ms. Lu and Councilman Krakoviak’s comments about excluding the property (at 8-10 Central Avenue), but the property had been problematic for many years. He stated a clear case had been made that it met the statutory criteria. He recommended the entire study area be designated an area in need of redevelopment.

The Board voted on the Recommendation as follows:

Motion: Chairman Weston

Second: Vice Chairman Bagoff

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

MEETING ADJOURNED at approximately 9:40 P.M.

Minutes adopted March 1, 2017.



Robin Miller, Secretary
Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY APRIL 5, 2017 AT 7:30 P.M. IN THE COUNCIL CHAMBER.**