

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
June 7, 2017**

The Township of West Orange Planning Board held a regular meeting on June 7, 2017 at 7:30 P.M. in the Council Chamber, 66 Main Street, West Orange, New Jersey.

Chairman called the meeting to order at approximately 7:30 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 Bagoff requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

The Planning Board regular meeting scheduled for July 5, 2017 in the Council Chamber at 7:30 P.M has been cancelled. Next meeting August 2, 2017.

ROLL CALL

PRESENT: Chairman Robert Bagoff, John Cardoza, Jerome Eben, Vice Chairman Lee Klein, Captain Michael Keigher, Councilwoman Susan McCartney, Andrew Trenk, Gary Wegner, William Wilkes II

ABSENT: Tekeste Ghebremicael, Ron Weston

ALSO PRESENT: Paul Grygiel, Township Planning Director, Patrick J. Dwyer, Esq., Board Attorney, Eric Keller, Rose DeSena, Acting Board Secretary, Harvey Grossman, Esq., Public Advocate.

Swearing In

The Township Professionals.

RESOLUTION(S)

PB-17-03/Crestmont Country Club by Scott Wlodychak

Block: 174, Lots: 1 & 1.01; Zone: R-3

750 Eagle Rock Avenue

Preliminary and Final Site Plan with "C" variance.

Motion: Chairman Bagoff

Second: Vice Chairman Klein

Vote was as follows:

Cardoza: Yes	Eben: Yes	Ghebremicael: Absent	Klein: Yes
Keigher: Yes	McCartney: Absent	Trenk: Yes	Wegner: Yes
Weston: Absent	Wilkes: -	Bagoff: Yes	

PB-17-05C/Essex County/Turtle Back Zoo/Penguin Exhibit Construction

Block: 163; Lot: 1; Zone: R-1

560 Northfield Avenue

Courtesy Review Application for construction of new Penguin Exhibit at Turtle Back Zoo.

Motion: Chairman Bagoff

Second: Vice Chairman Klein

Vote was as follows:

Cardoza: Yes	Eben: -	Ghebremicael: Absent	Klein: Yes
Keigher: Yes	McCartney: Absent	Trenk: -	Wegner: Yes
Weston: Absent	Wilkes: -	Bagoff: Yes	

APPLICATION(S)

PB-17-06/Township of West Orange

Block: 158; Lot: 39; Zone: R-4

55-57 Ridgeway Avenue

Applicant is seeking minor subdivision approval as part of a sale of a newly created lot 39.03 pursuant to a sale agreement authorized by resolution of the Township of West Orange.

Chairman Bagoff noted for the record that Mr. Trenk and Mr. Keigher recused themselves from hearing this application and they both stepped off of the dais.

Mark Moon, Esq. appeared on behalf of the Township of West Orange.

Mr. Moon detailed the sub-division application for the property located at 55-57 Ridgeway Avenue. He said the subdivision is part of the sale agreement that the town entered into with a purchaser who was awarded the contract through a bidding process.

Mr. Moon detailed the specifics of the bidding process and stated that the person who was awarded the bid has already executed the deed restriction that was part of the contract. He said that the deed restriction forbids them use the second carriage house on the property as a rental and that they must also leave the neo-classical façade as it is currently designed. Mr. Moon said that they will close in approximately two weeks.

Chairman Bagoff asked if they are basically proposing to move the lot line; Mr. Grygiel said that they are creating a new lot line.

Chairman Bagoff asked Mr. Moon if the deed restriction will run with the land; he said yes.

Chairman Bagoff asked Mr. Moon to provide Mr. Dwyer with the specifics of the sale agreement so that it can be incorporated into the resolution.

There were no questions or comments from the Board Members, the Board Professionals or members of the public.

Motion: Chairman Bagoff

Second: Mr. Cardoza

Vote was as follows:

Cardoza: Yes	Eben: Yes	Ghebremicael: Absent	Klein: Yes
Keigher: Recused	McCartney: Absent	Trenk: Recused	Wegner: Yes
Weston: Absent	Wilkes: Yes	Bagoff: Yes	

Chairman Bagoff stated for the record that Mr. Keigher and Mr. Trenk returned to the dais.

PB-17-04/GBSJ Properties LLC

Block: 83; Lots: 5 & 23; Zone: B-2

303 Mt. Pleasant Avenue & 9 Marcella Avenue

Preliminary and Final Amended Site Plan with “C” variances and Soil Removal Permit.

(Carried from the May 3, 2017 regular meeting.)

EXHIBITS

A-5 – Aerial photograph of a secondary emergency egress from the site

Sal Anderton, attorney for the applicant, approached the podium

Mr. Anderton stated that the Goddard School application was last heard at the May 3, 2017 planning board meeting and they are here on a continuation. He stated and that the applicant’s professional engineer and operations expert testified at this meeting and that there was a question regarding security.

Mr. Anderton presented an aerial view of the parcel that was marked at Exhibit A-5 for identification.

Mr. Anderton stated that there was a question regarding security at the last meeting; he presented an aerial view of the parcel that was marked at Exhibit A-5 for identification.

Mr. Anderton referred to Exhibit A-5 and detailed the emergency egress from the proposed site onto an adjoining property.

Mr. Anderton stated that revised plans were submitted to the Board and Mr. Keller reviewed them and commented on them in a memo dated June 6, 2017. He said that the applicant will comply with all of the items in the memo.

Mr. Anderton stated that he provided Mr. Keller with the calculations for the soil removal and he said that they are satisfactory.

Mr. Anderton stated that the width of the parking stalls were proposed to be wider because they were meant for children coming in and out of the car.

Mr. Keller stated that the larger aisles will provide a little more green space.

Mr. Anderton stated that the applicant will be installing sidewalks along Prospect Avenue from Marcella Avenue to the corner of Mt. Pleasant Avenue.

Mr. Anderton called the applicant's traffic engineer to testify.

Harold Maltz approached the podium and was sworn under oath. Mr. Maltz detailed his professional and educational background as a professional engineer licensed in the State of New Jersey.

Chairman Bagoff accepted Mr. Maltz as an expert in traffic engineering.

Mr. Maltz referred to his report dated April 20, 2017 and detailed his report during his testimony.

Mr. Maltz detailed all of his counts, in which he included the surrounding area, the roadways and the traffic signals, and stated that he added the new hotel and the medical building traffic into the intersection of Mt. Pleasant Avenue and Prospect Avenue. He said that the worst condition was in the morning and not in the evening.

Mr. Maltz stated that the existing building will be demolished which will create a better site line.

Mr. Maltz stated that township ordinance requires forty five point one (45.1) parking spaces and they are proposing forty five (45) which is more than adequate.

Mr. Klein questioned Mr. Maltz's testimony regarding cars queuing up from Prospect Avenue to Marcella Avenue; Mr. Maltz stated that there were very few times at the end of the red signal that cars were queued up to Marcella Avenue.

Mr. Wilkes asked Mr. Maltz if there was a stop sign on Marcella Avenue; he said yes. Mr. Maltz also stated that you can make a left hand turn out of Marcella Avenue.

Mr. Trenk asked Mr. Maltz if this would be considered a school zone; Mr. Anderton replied and said no because this is a pre-school.

Chairman Bagoff asked Mr. Grygiel to send a copy of Mr. Maltz's traffic report to the Town Council so they could review it and make a suggestion to the County to change the timing on the lights at the intersection of Mt. Pleasant Avenue and Prospect Avenue.

There were no further questions for Mr. Maltz from the Board Members or the Board Professionals.

The following members of the public approached the podium and made comments/asked questions:

Jeffrey Greenfield – residing at 200 Mt. Pleasant Avenue a

Roz Moscovitz – residing at 11 Wedgewood Drive.

Robert Daniel – residing at 2b Buckingham Road.

Robert Rashkes – residing at 35 Oak Crest Road.

There were no further questions for Mr. Maltz from the members of the public.

Vice Chairman Klein asked Mr. Anderton if he was correct in saying that sidewalks cannot be installed along Mt. Pleasant Avenue because the grading plan will not allow sidewalks there; Mr. Anderton replied yes.

Mr. Grygiel stated that the applicant has done, within reason, what they are required to do in regards to the complete streets principles that were incorporated into the townships master plan.

Mr. Anderton called his next witness.

Nicholas Graviano approached the podium and was sworn under oath. He detailed his educational and professional background as a professional planner licensed in the State of New Jersey.

Chairman Bagoff accepted Mr. Graviano as an expert in professional planning.

Mr. Graviano defined the site as two lots located in a B-2 zone. He detailed what variances are being requested and noted the irregular shape of the site.

Mr. Graviano stated that the applicant is proposing to demolish the existing structure on the site to construct a daycare facility.

Mr. Graviano stated that a daycare is an inherently beneficial use in the State of New Jersey and detailed the positive and negative criteria.

The following member of the public asked Mr. Graviano questions:

Robert Daniel - residing at 2b Buckingham Road.

Chairman Bagoff called for a recess at 9:31 pm.

Chairman Bagoff resumed the meeting at 9:37 pm.

Mr. Grossman asked Mr. Graviano if the ingress and egress was suitable for emergency vehicles; Mr. Graviano stated that the township's fire official was satisfied with the ingress and egress when the plans were reviewed by him at the site plan review advisory meeting.

Mr. Grossman asked Mr. Graviano if there was an evacuation plan for the children; Mr. Anderton referred to Exhibit A-5 and detailed the emergency egress.

Chairman Bagoff noted for the record that a condition of approval is for the applicant to obtain a letter from the adjacent property owner giving them permission to utilize their property as a means of an emergency egress.

Chairman Bagoff questioned what type of security is in place; Matthew Jarmel, the architect, approached and stated that there are security cameras in the building and on the site. He said that there is a fence around the playground is high enough so that no one can reach over it. Mr. Jarmel said they also have fire drills.

Mr. Anderton summed up.

The following members of the public spoke during public comment and were sworn under oath:

Robert Rashkes – residing at 35 Oak Crest Road

Motion: Chairman Bagoff made a motion to approve the application with the following conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land disturbance or construction, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals.

2. If another governmental entity or agency grants a waiver or variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.

3. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.

4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.

5. The Applicant shall pay all outstanding taxes, tax liens, application fees and technical review fees, as well as any inspection fees that may be required hereunder. The

Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.

6. All notes included in the approved plans, including notes required by this Resolution, shall be deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution. All conditions of approval shall be noted on the plans.

7. Applicant to comply with the Complete Streets element of the Master Plan and implement its recommendation to the extent possible.

8. Applicant to comply with the review letters from Bowman Consulting dated April 28, 2017 and revised through June 6, 2017, and Planning Director Paul Grygiel dated April 28, 2017.

9. Any blasting must be in accordance with State regulations.

10. Applicant shall merge the lots and provide a proposed Deed for review by the Board Attorney and legal description for review by the Board Engineer.

11. The plans shall be revised to show the sidewalks and guide rails.

12. Applicant to provide an Engineer's estimate of the cost of improvements.

13. Prior to beginning work Applicant shall request a pre-construction meeting with Township officials.

14. Applicant to provide a chart of its compliance with the Township's sustainability checklist.

15. Applicant to provide the Board with a copy of the State-approved evacuation plan for the facility including a copy of any easement or license to use adjacent properties. Said easement or license shall be in recordable form and shall run with the land for so long as the Applicant operates a child care center at the premises.

Second: Mr. Cardoza seconded the motion with said conditions.

Vote was as follows:

Cardoza:	Yes	Eben:	Recused	Ghebremicael:	Absent	Klein:	Yes
Keigher:	Recused	McCartney:	Recused	Trenk:	Yes	Wegner:	Yes
Weston:	Absent	Wilkes:	-	Bagoff:	Yes		

PRESENTATION

PROPOSED SENATE, NO. 2788, State of New Jersey 217th Legislature

Modifies requirements for preliminary site plans and subdivisions under Municipal Land Use Law.

PRESENTED BY: PAUL GRYGIEL, PP, AICP, TOWNSHIP PLANNER AND PATRICK J. DWYER, ESQ., BOARD ATTORNEY

(Carried from May 3, 2017 regular meeting)

Mr. Grygiel updated the Board Members on the proposed Senate bill. He said that it is his opinion that this bill is not going anywhere and there is nothing to worry about at this time because there are larger issues than this.

DISCUSSION

Master Plan Reexamination

(Continued from the April 5, 2017 regular meeting.)

Chairman Bagoff stated that, due to the time, they will discuss the Master Plan Reexamination at the Planning Board meeting on August 2, 2017.

MEETING ADJOURNED

Chairman Bagoff adjourned the meeting at 10:16 pm.

Adopted: August 2, 2017



Rose DeSena

Acting Planning Board Secretary