

RESOLUTION OF APPROVAL
PLANNING BOARD OF THE TOWNSHIP OF WEST ORANGE

Decided: January 4, 2017
Memorialized: February 1, 2017

**THE BAPTIST HOME SOCIETY OF NEW JERSEY d/b/a/ THE CLIFFS AT EAGLE
ROCK
Amended Minor Site Plan Approval**

**707 Eagle Rock Avenue
Block 177.08, Lot 20
PB-16-12**

WHEREAS The Baptist Home Society of New Jersey d/b/a the Cliffs at Eagle Rock, (the "Applicant") having an address at 707 Eagle Rock Avenue, West Orange, NJ 07052 having made application for Amended Minor Site Plan Approval for premises at 707 Eagle Rock Avenue, West Orange, N NJ 07052 also known as Block 177.08, Lot 20 on the tax map of the Township of West Orange (the "Premises"); and

WHEREAS the Board having conducted a public hearing on this application on January 4, 2017; and

WHEREAS the Applicant having appeared by its attorney Gordon Meyer, Esq., and by witnesses Gordon Meyer, (also the Chief Operating Officer of the Applicant), David Danton, PA, and having received a review letter from Township Planner Paul Grygiel, AICP, PP, dated December 22, 2016 and having deliberated on the merits of the application, and having granted an opportunity for public comment;

IT IS HEREBY RESOLVED:

EVIDENCE SUBMITTED

In summary, the following evidence was received and/or introduced in connection with this application:

1. A Planning Board application, and the following:
 - i. Architectural Plans from KDA Architects, 14 pages, dated 7/11/2016 with revision dated 8/2/2016;
 - ii. Proposed Minor Site Plan Drawings by Petry Engineering, 3 pages, dated 11/22/2016

- iii. Statement of Reason for relief;
 - iv. Checklist;
 - v. Order for Judgment in the matter of Baptist Home Society of New Jersey v. Township of West Orange Board of Adjustment and the Township of West Orange dated September 21, 2000.
2. Gordon Meyer, Esq., appeared on behalf of the Applicant and introduced the application saying that it involved an existing assisted living facility completed in 2005 on Eagle Rock Avenue. The Applicant has functioned well for twelve (12) years but now finds it needs additional room for its exercise and rehabilitation functions. The Application involves building on a small addition to add space for these functions.
 3. Gordon Meyer, Esq., was also sworn in to give testimony as the Chief Operating Officer of the Applicant. He testified that the addition will be built into a court yard so as to not block the existing views the building has of the cliff and waterfall areas. The addition will have a wall full of windows which will provide natural light to the new room.
 4. In response to questioning from West Orange Public Advocate Harvey Grossman, Esq., Mr. Meyer responded that the addition would not change the number of persons that this assisted living facility is licensed to accommodate, which is 85, and no increase in parking is necessary.
 5. Member of the public Mary Bowling of 2 Cliff Street, whose property is immediately west of the property asked about the height of the addition and how same will look from her property.
 6. Applicant called David Danton, a licensed professional architect in the State of New Jersey who was sworn and qualified as an expert in the field of architecture. He testified that the proposed addition will be 16 ft. x 22 ft. in area, on the west side of the existing building, with no change in setbacks, there will be a slight increase of impervious coverage, which is still below the allowable percentage, the addition will be one story with 11 ft. to 12 ft. roof eaves, the roof will slope to meet the existing building at the window sill line, the addition will have the same exterior finishes, that the Applicant already has approval from the New Jersey Department of Community Affairs, and that construction will take three to four months.

7. There was no public comment for or against the application.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

8. The Premises are located in the R-5 Zone. The Applicant previously received approval for the original construction of the facility in 2000, by way of a Court Order dated September 21, 2000 overturning the West Orange Zoning Board's initial denial of site plan approval with variance relief.
9. The Applicant is properly before the Planning Board to seek approval for this minor amendment to its original site plan without any additional variance relief.
10. Applicant seeks to amend the site plan to build a new 21 ft. 10 in. by 15 ft. 9 ¾ in. addition on the west side of the existing building.
11. The Applicant's facility is an inherently beneficial use.
12. The proposed addition is a de minimus change to the existing building that will enhance the experience for residents without adding to the number of residents or require additional parking.
13. The existing facility is well maintained.
14. The Board finds that the amendment to the site plan can be granted because the public benefits outweigh any detriments. The increase in lot coverage is de minimus and still less than the permitted lot coverage for the site.
15. The detriments to the proposal are insubstantial and do not cause significant detriment to the public good nor impairment nor to the intent and purpose of the zone plan and ordinance. Therefore, the Board finds that the benefits of the proposal will outweigh the detriments and the site plan amendment sought can be granted.

THE DECISION

WHEREAS, the Board, having reviewed the application for Amended Minor Site Plan approval and having considered the impact of the proposed application on the Township's master plan and zoning ordinance and the surrounding property owners, and having considered whether the proposal complies with and furthers the goals of the land use and zoning ordinances of the Township of West Orange and the Municipal Land Use Law; and upon the imposition of specific conditions to be fulfilled, hereby, concludes that good cause has been shown to approve the application.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Orange that the application for Minor Amended Site Plan approval as set forth in the plans, reports, representations, testimony, stipulations and Exhibits offered by the Applicant is granted:

Certified to be a true copy of the Resolution adopted on the 1st day of February, 2017.



Robin Miller, Secretary

Vote on the Action Taken by the Board

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Cardoza (2 nd Alt.)			*			
Eben			*			
Ghebremicael						*
Keigher			*			
Klein (Vice Chair)			*			
McCartney			*			
Wegner (1 st Alt.)			*			
Weston		*	*			
Wilkes			*			
Bagoff (Chair)	*		*			
Vacant (Mayor's Designee)						

Vote on the Memorializing Resolution

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Cardoza (2 nd Alt.)		*	*			
Eben			*			
Ghebremicael						*
Keigher			*			
Klein (Vice Chair)						*
McCartney			*			
Wegner (1 st Alt.)						*
Weston	*		*			
Wilkes						*
Bagoff (Chair)						*
Vacant (Mayor's Designee)						