

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
May 3, 2017**

The Township of West Orange Planning Board held a regular meeting on May 3, 2017 at 7:30 P.M. in the Council Chamber, 66 Main Street, West Orange, New Jersey.

Chairman Bagoff 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 next Planning Board regular meeting will be June 7, 2017 in the Council Chamber at 7:30 P.M.

ROLL CALL

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

ABSENT: Tekeste Ghebremicael, Ron Weston, William Wilkes II

ALSO PRESENT: Paul Grygiel, Township Planning Director
Eric Keller, Township Consulting Engineer
Patrick J. Dwyer, Esq., Board Attorney
Robin Miller, Board Secretary
Harvey Grossman, Esq., Public Advocate

Swearing In

Township Professionals: Paul Grygiel, AICP, PP, Township Planner and Eric Keller, PE, PP, Township Consulting Engineer.

RESOLUTION

PB-17-02/Valley Road Residential, LLC

Block 9, Lots 1, 7, 44, 50 and 56

22-26 Central Avenue and 9-15 Mitchell Street

Application for Extension of Approval PB-14-03

At the April 5, 2017 regular meeting, the Board approved Applicant's request for extension of previous Final Site Plan approval by Resolution adopted on May 7, 2014.

Motion: Chairman Bagoff

Second: Vice Chairman Klein

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

Chairman Bagoff welcomed the Public. He stated there were three applications before the Board, a presentation on proposed State Senate Bill, No. 2788, and a discussion on the Master Plan Reexamination. For all those present regarding the Master Plan Reexamination Report, the discussion would be an administrative portion of the Board's function; it was not for the Public to speak at any point during tonight's discussion. The Board is aware of the Public stakeholders. There will be several upcoming meetings for the Master Plan Reexamination Report, properly noticed in the newspapers and on the Township website; during those upcoming meetings the Public will have the opportunity to ask questions and make comments. Tonight's discussion is for the Township professionals to explain how best to proceed with the Master Plan Reexamination process.

APPLICATION(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.

EXHIBITS

A-1 – Photographs of the Tennis Courts (two).

A-2 – Existing Topographic Conditions, Sheet No. 1, prepared by Marucci Engineering Associates, LLC dated 4/25/17.

DISCUSSION

Savino J. Russoniello, Esq., Caruso Smith Picini, appeared on behalf of Co-Applicants, Crestmont Country Club by Scott Wlodychak, (Lessee). Applicants were seeking site plan approval and accessory use height variance for seasonal tennis "bubble" to be placed over the existing tennis courts.

Mr. Wlodychak was sworn in under oath. He briefly stated his professional background including a couple of years on the pro tour, administrating the Fairfield Racquet Club programs for 20 years, coaching at the University of Maryland and Seton Hall University, and currently he was the Director of Tennis at the Orange Lawn Tennis Club, a position he had held for over 5 years.

Mr. Wlodychak stated he had signed a long-term lease with Crestmont (up to 20 years); he had contracted with them to lease the tennis courts to construct a seasonal "bubble" to be put up about September 25th to be operational by October 1st, and taken down by April 15th, a total of seven months. He stated that in addition to members, his business plan included opening the structure to the Public. Hours of operation would be weekdays from 7:00 A.M. to 10:00 P.M., and weekends from 8:00 A.M. to 10:00 P.M. A generator would inflate the facility. Patrons would be utilize existing restrooms in a building near the tennis courts that would be partially winterized. He stated the restrooms and the tennis courts were currently

handicap accessible. He stated the project was to install the seasonally “bubble” and store it in a container on-site during the off-season. He stated the structure would be 36-feet high and be built by Arizon Structures. The height was essentially regulation for tournaments. It would be heated by propane; two gas tanks would be installed approximately 20 feet from the structure. The propane tanks and the generator would be enclosed by fencing and secured by locks.

Chairman Bagoff asked if any members had questions for Mr. Wlodychak.

Councilwoman McCartney asked for clarification regarding the regulation size for the height of the structure; was it necessary to request a variance for the height; Mr. Wlodychak said yes.

Councilwoman McCartney asked him to discuss the noise from the generator that would run for seven months; would affect the residents in the area. He said his expert, Jan Ligas, would be able to discuss the issue.

Captain Keigher stated the tennis courts backed up to several houses on Ferris Drive; he wanted to know the location of the generator and propane tanks and what would be the noise factor. Mr. Russoniello stated Mr. Ligas and Mr. Marucci would provide further testimony on the issues.

Captain Keigher asked where storage container would be located; Mr. Wlodychak said he was still working that out; possibly in one of the garages on site. It was not large but it contained everything including the lighting. The only thing left outside during the summer months would be the generator.

Mr. Eben asked when Mr. Wlodychak would know if the storage container could be located inside an existing structure; he was concerned about the number of storage structures on a property that was zoned residential. Mr. Wlodychak answered he could find out the next day. He said it was important that the structure was stored well; if not stored properly they get mold. It was important to him that the facility looks pristine for as many years as he has it.

Mr. Wegner asked where the propane tanks would be located; Mr. Wlodychak said they would be located on a platform surrounded by a locked fence a certain distance from the facility. Mr. Wegner asked if the location was indicated on the drawings; Mr. Wlodychak said no, but they would be approximately 20 feet within the vicinity of the generator. Mr. Wegner asked the size of the tanks; Mr. Wlodychak said two 1,000-gallon tanks, the estimated use would be 6,000-8,000 gallons per year. They would be refilled a couple of times during the winter by delivery trucks with access from a back road to the facility. Mr. Wegner voiced concern about the amount of propane or containment of the tanks relative to public safety; Mr. Wlodychak stated the company he was working with had assured him they did this work all the time. He stated a lot of the Crestmont facilities currently had propane tanks.

Mr. Cardoza asked for clarification regarding the exterior appearance of the bubble and its maintenance. Mr. Wlodychak stated it had an all-white exterior; the interior was mostly white – it reflected indirect light off the ceiling using state-of-the art energy efficient LED

lighting. Mr. Cardoza asked if the bubble material required a lot of upkeep; Mr. Wlodychak said no, but when taken down, it must be entirely dried out before it can be stored in its airtight container. The bottom 15-foot interior perimeter is colored green, which is similar to the background of tennis court fencing. There is no actual fencing in the interior of the bubble; it is all outside. In the center, a curtain would be erected between the two separate sets of courts. Mr. Cardoza asked if there would be a buffer along the edges; Mr. Wlodychak said yes, there would be a little bit of a buffer and a blister area would be built – the entrance would be made a little bit wider for a 15'x20' sitting/viewing area. Televisions would be installed in the restroom areas (the existing separate structure).

Mr. Eben asked what would be the total combined maximum occupancy of facility including the viewing area and courts; Mr. Wlodychak stated up to 24 persons on court and maybe 5-10 people viewing.

Chairman Bagoff asked for clarification regarding the number of tennis courts the bubble would cover; Mr. Wlodychak answered four (4). Chairman Bagoff asked if the lighting would be seen from the outside; Mr. Wlodychak stated no. Chairman Bagoff asked if any music played on the inside would be heard by people on the outside; Mr. Wlodychak stated no. Chairman Bagoff asked if Mr. Wlodychak or one of his experts could testify to generator decibels, and did he know what the limits were per Township ordinance; Mr. Wlodychak stated his expert would testify.

Mr. Grygiel stated the application materials made no mention the facility would be open to the public; he asked if that was an oversight. Mr. Wlodychak stated it must have been an oversight because it was always intended to be open to the Public. Mr. Grygiel stated that having the business operation open to the public raised certain issues; he thought it was to be used as an accessory facility to the County Club, not a separate operation. Mr. Russoniello said the issue had been discussed during that meeting. Mr. Wlodychak stated the facility was never intended just for Crestmont members. Mr. Grygiel asked how business operations would be handled; how would the Public schedule lessons and make payments; he was unsure if public use was a permitted use. Chairman Bagoff asked if there would there be a counter area to book court time and pay fees; Mr. Wlodychak said no, the operation was entirely separate from Crestmont. Chairman Bagoff asked Mr. Dwyer to research the statute. Mr. Grygiel stated that commercial recreation use is a conditional use in the R-2 Zone and there were prohibitions on multiple principle uses on the site.

Mr. Grygiel stated the plans must indicate the location of the storage container; Chairman Bagoff agreed.

Mr. Keller asked what types of events would be held at the facility; Mr. Wlodychak stated events for adults and children like evening Round Robins, and tournaments. All tennis related events; currently, none of the events were planned for large Public attendance. The main goal of the facility was for people to take lessons and get court time.

Chairman Bagoff asked Mr. Wlodychak to discuss the parking accommodations. Mr. Wlodychak stated the parking lot was located adjacent the tennis courts. He stated lighting would be installed along the path to the courts. No new parking would be constructed.

Chairman Bagoff stated there was a swimming pool next to the tennis courts; he asked if that area would be fenced off from the Public. Mr. Wlodychak said yes, the pool area would be fenced off. Chairman Bagoff asked what arrangements had been made for snow plowing the tennis area and winterizing the structure with the wood-slat walking area leading to the courts. Mr. Wlodychak said he would probably hire someone to plow the area; he said he would install a non-slip material to the wood-slat area that was approximately 20 ft. long.

Mr. Dwyer said he was researching permitted uses in the zone; Mr. Grygiel seemed to indicate the (tennis) structure was separate from the Country Club permitted use..Mr. Dwyer read Section 25-24.2(c) (Private Club): *(1) Parking lot entrances and exits shall be clearly visible from the public street and shall not be located within 75 ft. of an intersection; (2) There shall be a 25 ft. wide buffer adjacent to all residential property lines, within the required setback, which shall consist of natural vegetation; (3) All structures shall be designed to be complementary to the neighborhood; and (4) There must be a landscape plan approved and kept on file (in the Planning Department).*

Mr. Russoniello asked how the recreational use facility differed from the Country Club. Mr. Dwyer answered that Mr. Wlodychak testified that the structure operated as its own entity separate from the Country Club, including its own revenue stream, own hours and own employees. Mr. Dwyer opined in that regard it was not so much a separate recreational facility as much as a private club leasing space from a private club. Mr. Dwyer stated he believed the use was accessory and permitted in the zone.

Vice Chairman Klein asked the months of operation, would it be open year round, and was the County Club open year round; Mr. Wlodychak stated the structure would be operating from October 1 through April 15. He currently had no plans to run the business year round, he believed the Country Club closed for a month or so during the winter months.

Mr. Dwyer advised the Board he had one other clarification under the definitions; he said a private recreation facility referred to a court or related structures provided as an accessory use on the same lot as a residence. He stated this use did not qualify as such; it was not a private recreational facility such as a tennis court behind a home.

The Public had no questions for Mr. Wlodychak.

Jan Ligas, Jr., was sworn in under oath. He stated he was President and one of the owners of Arizon Structures, a St. Louis, MO, based company; the supplier of the proposed temporary building structure. Mr. Ligas stated it was an air-supported structure; it was required by code to have a triple redundancy to maintain the air pressure under all conditions. There was a primary fan that ran consistently, a secondary electric fan with the same capability as primary fan; it sits on standby, and the back-up generator. The units were residential grade; the mechanical decibels would meet decibel levels at the property line. He stated the propane tanks met all required guidelines; the tank supplier could explain guidelines.

In response to question from Captain Keigher, Mr. Ligas stated propane or natural gas ran the generator.

Mr. Eben asked what Mr. Ligas would consider the building code use of the building. Mr. Ligas stated that was determined by the applicant use of the building, not the building itself.

Mr. Wegner asked if the building was required to have a fire suppression system. Mr. Ligas stated the structure materials had to conform to California NFPA 701; the structure was made of fire resistant non-flammable components.

Chairman Bagoff asked if all systems failed; how long would it take occupants to exit before structure collapsed. Mr. Ligas stated it would take approximately fifteen minutes for the structure to deflate. There were three exits.

Chairman Bagoff asked if the Public had questions for Mr. Ligas.

Ricki Roth, 25 Ferris Drive, asked how often and for how long would the generator be tested. Mr. Ligas stated one a week for approximately ten minutes.

Henry Sopher, 37 Ferris Drive, asked what were the propane risks associated with this type of structure. Mr. Ligas stated there would be a foundation to hold down the structure tied in to a cable system. Mr. Keller stated there were specific building code requirements associated with propane tanks. The Applicant had testified the propane would be in a locked, fenced-in area. He stated that the laws and building codes were very clear about the matter, all tanks would be covered, there would be appropriate signage. Mr. Wlodychak stated there would be two 1,000-gallon tanks.

Mr. Keller stated the structure was approximately 250 feet from the nearest property line. He asked Mr. Ligas to describe what neighbors would see at night when the structure was illuminated. Mr. Ligas stated the neighbors should not see anything; two-thirds of the structure was opaque. There would not be a light glow.

Chairman Bagoff asked if snow would pile up on the outside of the structure. Mr. Ligas stated the structure would be heated to assist in snow shedding; also because of its natural shape, the snow tended to fall off the structure. Mr. Wlodychak stated maintenance people would remove the snow from the perimeter of the structure. The interior lights would be shut off at approximately 10; 15 P.M. and the structure would be locked at night.

Anthony Marucci, PE, PE, Marucci Engineering Associates, LLC, was sworn in under oath, and accepted by the Board to be an expert witness in engineering. He stated he had prepared the site plan drawings dated March 20, 2017. He stated Crestmont had come before the Board in 2007 for a minor subdivision; the golf course was separated from the remainder of the property. There were two separate lots but for the purpose of the Application, all surrounding property owners were required to be notified. He stated the properties were over 240 acres in the R-2 Zone; a golf course was a permitted use, a swimming pool and tennis courts were permitted accessory uses. He stated the Applicant was proposing to install a seasonal bubble over the club's four existing tennis courts.

Referring to Exhibit A-1, he stated there was a significant buffer of trees. He stated the bubble would not be above the tree heights; during the winter time there may be a view of the structure from the residential side, but it would be very little. In respect to the lighting, it would also not be visible from the residential side. Referring to Exhibit A-2, Mr. Marucci said the bubble was being installed on the inside of the fence line; there would be no tree or soil disturbance other than what was already on the tennis courts. The existing grading would not change; there would be no adverse effect to the drainage.

Mr. Marucci stated the one variance was required for height; the required height for an accessory structure was 15 feet, however, for the structure to work, 36 feet was required. He opined it could be granted under the "c2" criteria. Although the structure exceeded the height variance, the club was on a 240-acre site and the existing tennis courts were separated from residential homes. The proposal would provide year-round use to not only benefit the Applicant, but also the community since the courts would now be open to the Public during the off-season. The actual location of the tennis courts from the nearest residential structure on Ferris Drive was 263 feet. He opined that since the structure would be far away from nearest neighbor and there was a wooded buffer area, the variance could be granted without substantial detriment to the Public good. He opined the variance would not impair the intent and purpose of the zone plan and ordinance.

Councilwoman McCartney asked if there could be a deed restriction to maintain the wooded buffer within the subdivision. Mr. Grygiel stated the Applicant would have to come back before the Board to place a restriction. Mr. Dwyer stated a condition of approval could be to maintain the buffer between the bubble and residential homes. Mr. Keller stated the tree removal was governed by Township code. Chairman Bagoff stated the Club would have to agree to maintain the buffer, not the Applicant.

Mr. Eben asked Mr. Marucci if the evergreen trees were remaining. Mr. Marucci stated no trees were being removed as part of the Application.

Referring to the Exhibit A1 and A-2, Mr. Keller stated there was a dirt pile on the north side of the tennis courts; he asked how would the foundation for the bubble fit within the existing fence. Mr. Marucci stated he believed part of the fence would be taken down during excavation to pour the foundation. He deferred to Mr. Ligas to explain the process.

Mr. Ligas returned to the podium. He described the construction process; the mesh fencing would be removed to install the foundation and the gates for the structure openings including the doublewide entrance.

Referring to Exhibit A-2, Mr. Marucci explained the generator and the propane would be located on the north side of the court area, entirely fenced-in. Mr. Keller stated it did not appear there was a lot of room between the fence, swale and dirt pile. The plans indicated there was only 10 feet. He asked if it would be over the swale. Mr. Marucci stated he would have to work it out; he would move the swale if necessary. He stated he would meet with the propane company and the contractor to provide Mr. Keller with the exact measurements required. Mr. Keller stated he would work out engineering issues with Mr. Marucci.

Mr. Keller asked for clarification regarding parking, the walking path, area lighting, and fencing around the pool area. Mr. Wlodychak said the parking would be near the structure where golf carts were stored; he described the walking path area would lead past the bath houses/restrooms; there was existing lighting but additional lighting would be installed along the path to the bubble. Mr. Keller stated the plans should indicate walking path directional signage, and lighting. Mr. Keller asked for clarification regarding walkway improvements. Mr. Wlodychak stated there was an existing wooden walkway from the pool house area; there had been discussion about what could be done to make it safer during the winter so people would not slip. It was a safety issue. Mr. Wlodychak stated there was existing fencing around the pool; the plan was to have additional temporary fencing to ensure the area was not accessible.

Mr. Keller and Mr. Marucci discussed the topography of the area between the tennis courts and Eagle Rock Avenue, and the size of the generator and propane tanks. Mr. Marucci stated the tennis courts, generator and tanks would not be visible from Eagle Rock Avenue. Mr. Keller opined the fencing around the generator and tanks could be a black vinyl chain link or solid earth tone PVC.

Chairman Bagoff stated that to the northern side of the swale, which was the northern side of the tennis courts to Eagle Rock Avenue, there was a currently a large storage container. He stated the testimony was slightly incorrect; there were not trees in that area. There was a storage container, a mound of dirt and open land; the trees were further away from the area. Mr. Wlodychak answered yes. Chairman Bagoff stated that none of those elements were visible from Eagle Rock Avenue. Mr. Wlodychak answered yes.

Chairman Bagoff asked the Public if they had questions for Mr. Marucci.

Ricki Roth, 25 Ferris Drive, stated she lived right behind the tennis courts; there was a wooded area; however, over the years many trees had fallen down. She had clear vision of the tennis courts even during the summer. She stated that unless the club replaced the fallen trees she would continue to have full view of the tennis courts and the bubble.

Councilwoman McCartney asked if a black vinyl fence was the best choice to camouflage the generator and propane tanks. She stated the white pvc fencing might be a better choice to match the existing fencing in the area used to camouflage the area behind the courts with the dirt pile. Mr. Wlodychak stated the fencing for the tennis courts was currently black chain link, he opined it would be a better choice for year round. She asked Mr. Ligas about the continuous noise of the generator. Mr. Ligas stated the noise level would meet all code guidelines.

Mr. Keller asked if there was a concern about the noise levels of the generator, would the Applicant agree to perform a noise study once all mechanicals had been installed. Mr. Wlodychak answered yes.

Chairman Bagoff asked the Public if they had comments on the Application.

Adam Goldman, 40 Ferris Drive, was sworn in under oath. He stated he was a resident of Ferris Drive for over twenty-five years and also a ten-year member of Crestmont Country Club. He stated his wife had taken tennis lessons from Mr. Wlodychak for many years. He had met with Mr. Wlodychak and the club to discuss the project; sound and lighting issues had been discussed in detail. He stated the Club was in the process of a major renovation

to upgrade its facilities; it wanted to remain in the community for many years to come. He stated he understood and respected the concerns of his neighbors. He stated the plan for the generator mechanics would place it away from the wooded residential area.

There were no further comments from the Public.

Chairman Bagoff closed the public hearing; the Board deliberated.

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.
7. Applicant to submit revised plans showing the location of the generator and proposed propane tank, the structure and location where the bubble will be stored in the off-season, the propane tank, the door opening to the bubble, any gates or

fences, how the pool area will be blocked off, the directional signs, the walkway and path lighting.

8. The generator shall only be tested mid-day and mid-week subject to the review and approval of the Building Inspector.
9. Propane delivery shall be during the same hours as currently for the Club.
10. The vegetative buffer between the bubble and residential homes shall be kept in place and maintained, and the Club shall improve this buffer with additional landscaping and trees so as to block the view of the bubble even during the winter months subject to the review and approval of the Board Planner.
11. Applicant shall re-grade the swale as shown on the plans.
12. Applicant to comply with any recommendations set forth on review letters from the Board professionals.
13. Applicant shall conduct a noise study within 30 days after the bubble becomes operational and submit same to the Board to show that it complies with allowable noise levels.
14. The bubble shall be opaque and shall not emit a glow when the interior lights are on.
15. Any proposed tree removal shall be subject to the review and approval of the Board Engineer.
16. Fencing to be chain link or solid pvc and subject to the review and approval of the Board Planner.

The Board voted on the Application as follows:

Motion: Chairman Bagoff

Second: Mr. Eben

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

Chairman Bagoff announced a brief recess at approximately 9:40 P.M.; he reconvened the meeting at approximately 9:50 P.M.

Chairman Bagoff announced Mr. Eben and Councilwoman McCartney had recused themselves from hearing the next Application.

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.

EXHIBITS

A-1: Colorized version of the Site Plan (Sheet C-300)

A-2: Color Rendering of Architectural Style of Proposed Building

- A-3: Google Area Image of the subject property
- A-4: Architectural Elevation
- A-5: Google Earth aerial view of the property with evacuation route shown

DISCUSSION

Sal M. Anderton, Esq., Porzio Bromberg & Newman, P.C., approached the podium. He stated he was the attorney representing the Applicant and contract purchaser of the property, GBSJ Properties, LLC. He stated the application was for site plan approval to demolish a vacant house and the former Mt. Fuji restaurant for the construction of a Goddard Childcare center. He stated the site was L-shaped located on two lots that would be consolidated by deed; a number of bulk variances were being requested; and two waivers were requested. One waiver for off-site conditions 200 feet off the survey; they had not been included in the plan; and one waiver for landscape design prepared by a licensed landscape architect; the landscape plan had been prepared by the Applicant's civil engineer. Referring to the Township Planner's Report (4/28/17), he listed the variances required: Minimum Side Front Yard, Maximum Lot Coverage, Accessory Structure Location, Accessory Use Location, Yard Encroachments, Fence Location in Nonresidential District, Required Parking, and Maximum Monument Sign Width. Regarding the variance for Disturbance of Slopes of 25% or More, he stated he did not believe the intent of the Natural Feature Ordinance applied to a lot that was developed. It was a very small portion of the lot that was steep slope, it was not a natural feature, it was an existing site condition and was listed in the ordinance as an exception.

Mr. Anderton called his first witness to the podium. He stated that in addition to being the Applicant's expert in architecture, he would qualify also as an expert in childcare operations. Matthew Jarmel, AIA, Jarmel Kizel Architects & Engineers, Inc. was sworn in, stated his credentials, and was accepted by the Board to be an expert witness in architecture with a specialty in childcare center operations.

Mr. Jarmel stated that childcare facilities were designed for children aged six weeks to five years, licensed by the NJ Department of Children and Families, and pre-approval from the Department of Environmental Protection after the issuance of local Certificate of Occupancy. The Applicant proposed to build a Goddard School, a franchise started in 1986. There were currently sixty-three operating in New Jersey. The building would be approximately 8,800 square feet; the hours of operation for the proposed facility would be 6:30 A.M. to 6:30 P.M. Referring to Exhibit A-1, he described the site location. He stated the current Mt. Fuji building would be demolished. He stated the new building had been designed for a maximum enrollment of 136 children. He gave a brief description of a typical day including morning drop-off, building access including security system, and parking lot configuration. He described the interior floor plan including entrance vestibule, reception area and offices, and classrooms. Each classroom had two means of egress. The childcare center was an I-4 Building Code classification, which meant there were greater life safety requirements. The building would have a mandatory sprinkler system. The building had a much greater outdoor air requirement; a tremendous amount of outdoor air would be brought in. Other site improvements would include a 5,600 square feet outdoor playground to the rear of the building with a new walkway secured by a 6-ft. fence. Referring to Exhibit A-2, Mr. Jarmel stated the rendering was a typical of a Goddard School architectural design.

He stated all building mechanicals on the roof would be screened. The trash enclosure would have separate dumpsters for trash and recyclables. He stated 18 employees would be required for a maximum of 136 children.

The Board had no questions for Mr. Jarmel.

Mr. Grygiel asked for clarification regarding sustainability measures; would there be green building measure as part of the project; the Applicant had not provided a completed Sustainability Checklist as part of the Application. Mr. Jarmel stated all appliances would be Energy Star efficient; he detailed the building mechanicals, sensors, and lighting. He stated there would be daylight harvesting as required by code. Chairman Bagoff requested a detailed list be provided. Mr. Grygiel asked if Mr. Jarmel believed the parking lot configuration was adequate. Mr. Jarmel answered yes. Mr. Grygiel asked if the transmission tower on the site was to remain. Mr. Jarmel answered yes.

Mr. Keller asked if there was any plan for a generator for the facility in case of a power failure. Mr. Jarmel answered no. Mr. Keller asked if the Goddard School would provide a bus for students. Mr. Jarmel answered no.

Chairman Bagoff asked the Public if they had questions for Mr. Jarmel.

Robert Rashkes, 35 Oak Crest Road, asked if the site plan made arrangements for parents bringing their children to the site from the M71 bus. Mr. Jarmel stated he believed the site plan addressed the issue. He stated he would defer the question to the Applicant's engineer.

Rosary Morelli, Ralph Road, asked if any studies had been done to ensure the towers to the east of the property and PSE&G power station would not emit anything cancer causing that would affect the children. She asked if pollution from idling cars would affect the children's playground. Mr. Jarmel stated there was very little traffic on Marcella Avenue, no car pollution would affect the playground.

Nicole Harrison was sworn in under oath. She stated that she and her husband, Steve Harrison, were the owners of the franchise for the Goddard School. They would be the on-site owners for the business and run all operations on a day-to-day basis. She stated her personal, educational, and professional background. She stated the Goddard School was a high-quality pre-school childcare center, there were currently 467 schools in operation, they had been franchising for twenty-eight years.

Chairman Bagoff asked the Board if they had questions for Ms. Harrison.

Captain Keigher asked if there was an evacuation plan if the children had to be evacuated from the building. Ms. Harrison stated a plan had not yet been devised. Captain Keigher stated there were no sidewalks in the area along Prospect Avenue. Mr. Anderton stated the Applicant would provide testimony. Captain Keigher stated the new entrance on Marcella Avenue would result in additional vehicles on the quiet street.

The Public had no questions for Ms. Harrison.

Gerald Gesario, PE, Jarmel Kizel Architects & Engineers, Inc. was sworn in, stated his credentials, and was accepted by the Board to be an expert in civil engineering.

Referring to Exhibits A-3 and A-4, Mr. Gesario described the site existing conditions. The site was located on two parcels of property in the B-2 Zone; the total site was 1.25 acres. He described the surrounding area uses. On site there currently existed the Mt. Fuji structure, a detached single-family house with detached garage, and the radio antenna. He said the radio tower would remain. The site had a unique shape; had frontage on four properties; there was a significant grade on the current Lot 5. The plan proposed two separate parking levels for a total of forty-five parking spaces. The upper level parking spaces would be 9.75-ft. and 10-ft. wide to accommodate children entering and exiting a vehicle. . He stated the new building would be located at the most northeast portion of the site along the Marcella Avenue roadway. The restaurant, house and garage would be demolished. The intent was to have fencing around the building and play area; and new fencing and an access gate to the radio antenna. Main access to the site would be from Marcella Avenue; the driveway currently on Mt. Pleasant Avenue would remain restricted to be Right-In and Right-Out only; the driveway currently on Prospect Avenue would be removed. Sidewalks would be installed all around the building and in the parking areas; sidewalks would be installed along the Prospect Avenue side of property contingent on County approval. The current site had no drainage infrastructure; the proposal would reduce impervious coverage from the current 79% to 66%. It would be a net-improvement to the downstream drainage area. Utilities would come out of the east side of the building to tie in to existing lines on Marcella Avenue. He discussed the exterior lighting plan and landscaping. He stated the refuse area would be located to the southeast corner of the site. He described the signage to include a variance for maximum width, 6 ft. was permitted; Applicant was requesting 8 ft. He stated the monument sign was important to the site.

Chairman Bagoff asked the Board if they had questions for Mr. Gesario.

Mr. Cardoza asked for clarification regarding sidewalks along Marcella and Prospect Avenue. Mr. Anderton stated any foot traffic along Marcella Avenue would probably be for access to Main Street Counseling. Mr. Cardoza asked how sharp was the turn from Marcella Avenue to Prospect Avenue. Mr. Anderton stated that would be a question for the Applicant's traffic expert.

Mr. Klein asked for clarification regarding the location of the driveway and access gate to the radio tower.

Mr. Grygiel stated he did not believe the hearing would conclude this evening; he stated there were a number of issues that needed to be addressed; he stated the Board should first see revised plans before the Board asked any additional questions. Mr. Keller concurred. He wanted to see revised plans.

Chairman Bagoff asked the Public if they had questions for Mr. Gesario.

Robert Rashkes 35 Oak Crest Road, asked if any sidewalks were planned for Mt. Pleasant Avenue. Mr. Gesario answered no.

Mr. Anderton stated the Applicant consented to carry the hearing to the next meeting.

Chairman Bagoff stated the Application would be carried to the June 7, 2017 meeting.

Chairman Bagoff announced Mr. Trenk and Mr. Keller had left the meeting at approximately 11:00 P.M.

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

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

560 Northfield Avenue

Courtesy Review Application

EXHIBITS

A-1: Enlarged aerial view, prepared by French & Parrello, dated 1/15/16

A-2: Overall Site Plan for Penguin Exhibit, prepared by French & Parrello, dated 6/9/16

A-3: Site Plan for Penguin Exhibit, prepared by French & Parrello, dated 6/9/16

A-4: Rendering for Penguin Exhibit, prepared by French & Parrello, dated 3/8/17

A-5: Rendering for Penguin Exhibit, prepared by French & Parrello, dated 3/8/17

DISCUSSION

Mitchell Taraschi, Esq., Connell Foley, LLP, appeared on behalf Applicant.

Michael J. Piga, LLA, French & Parrello Associates, PA, was sworn in under oath, and accepted by the Board to be an expert in landscape architecture. Mr. Piga stated the County was proposing to construct a new Penguin Exhibit at Turtle Back Zoo featuring penguins and aquatic life. The exhibit would be located south of the Lion and Hyena Exhibit and east of the Giraffe Exhibit. He stated the pathway would be connected to the Lion Exhibit and the Giraffe main promenade; creating better circulation. He said the Penguin Exhibit would be in a closed structure with a thatched hut design. There would be plenty of new landscaping and a continuation of the lighting that was on the existing walkways. All walkways would be ADA accessible. The A small detention basin was proposed and would be approved by the State. He described the proposed materials and screenings. He described the visitors' side of the exhibit; the rear part of the structure would be for the trainers to include a holding area, quarantine room, and prep area for feeding. Mechanicals would be located on the south side of the building behind a 10 ft. wooden fence. Additional equipment would be housed in heated prefabricated sheds.

Mr. Piga concluded his testimony.

Chairman Bagoff asked the Board if they had questions for Mr. Piga.

Mr. Eben stated he had been on site today while construction was occurring; it created an unsafe condition. He stated the project was good; however, the property had no infrastructure to support the amount of visitors per day. There was not enough parking or bathrooms to support all the continued projects. He stated the County had not provided the Board with a Master Plan or a traffic study. Mr. Taraschi stated he had written a letter to the Building Department; the number of bathrooms was well in excess of the number required. Mr. Taraschi stated he believed the parking was more than adequate. He stated he would have the Zoo Director address the question.

Michael Kerr, Acting Director, was sworn in under oath. Mr. Kerr stated he believed the parking was adequate. The zoo averaged approximately 3,000 visitors per day. In addition

to the parking decks, there was parking at McLoones and on Cherry Lane. Mr. Eben stated the Board had not approved parking on Cherry Lane where there was no drainage.

The Board had no further questions for Mr. Piga or Mr. Kerr.

Chairman Bagoff asked the Public if they had questions.

Robert Rashkes, 35 Oak Crest Road, asked on how many acres would the exhibit cover; how many trees would be removed; would any hiking trails be used; any outdoor furniture for exhibit; was the furniture ADA compliant. Mr. Piga stated the exhibit would cover approximately 1.3 acres, approximately 80 to 100 trees would be removed; no hiking trails would be used; there would be approximately three benches.

The Board had no further questions.

Mr. Taraschi stated he had no further testimony on the Application.

Chairman Bagoff asked the Public if they had comments on the Application.

Robert Rashkes, 35 Oak Crest Road, was sworn in. He stated the supporting infrastructure was insufficient to accommodate the increased attendance for the new Penguin Exhibit. He stated he would like a report from the West Orange Fire Department regarding traffic delays. He asked the Board to recommend the County add an additional parking deck to the existing garage and build a third parking structure in the parking lot. He asked for a recommendation to have the County conduct a Traffic Study at the intersection of Northfield Avenue and Pleasant Valley Way.

Chairman Bagoff asked for the recommendation to include a request from the County for an updated copy of the Zoo Master Plan.

The Board voted on the Application as follows:

Motion: Chairman Bagoff

Second: Mr. Cardoza

Cardoza: Yes	Eben: No	Ghebremicael: Absent	Klein: Yes
Keigher: Yes	McCartney: Absent	Trenk: Absent	Wegner: Yes
Weston: Absent	Wilkes: Absent	Bagoff: Yes	

MEETING ADJOURNED at approximately 11:35 P.M.

Minutes adopted November 1, 2017.


Robin Miller, Secretary

Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY DECEMBER 6, 2017 AT 7:30 P.M. IN THE COUNCIL CHAMBER.**