

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
November 1, 2017**

The Township of West Orange Planning Board held a regular meeting on November 1, 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 December 6, 2017 in the Council Chamber at 7:30 P.M.

ROLL CALL

PRESENT: Chairman Robert Bagoff, John Cardoza, Jerome Eben, Michael Keigher, Councilwoman Susan McCartney, Andrew Trenk, Ron Weston, William Wilkes II

ABSENT: Tekeste Ghebremicael, Vice Chairman Lee Klein, Gary Wegner

ALSO PRESENT: Paul Grygiel, Township Planning Director
Eric Keller, Township Consulting Engineer
Patrick J. Dwyer, Esq., Board Attorney
Robin Miller, Board Secretary (left at approximately 8:30 P.M.)
Harvey Grossman, Esq., Public Advocate

ADOPT MINUTES

The minutes of the May 3, 2017 and October 4, 2017 Planning Board meetings were unanimously adopted.

ADOPT MEETING DATES

The 2018 Planning Board meeting dates were unanimously adopted.

SWEARING IN

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

RESOLUTION

PB-17-08/Crestmont Country Club

Block: 174, Lots: 1 & 1.01, Zone: R-2

750 Eagle Rock Avenue

Preliminary and Final Major Site Plan with "C" variances.

Approved 10/4/17

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

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

PRESENTATION/PUBLIC HEARING

Presented by Paul Grygiel, AICP, PP, Phillips Preiss Grygiel, LLC, Planning & Real Estate Consultants & Township Planner

Preliminary Investigation Report

Proposed Non-Condemnation Area in Need of Redevelopment

Essex Green/Executive Drive Area

Block 155, Lot 40.02, 100 Executive Drive

Block 155, Lot 40.03, Rooney Circle

Block 155, Lot 41.02, 10 Rooney Circle

Block 155, Lot 42.01, 300 Executive Drive

Block 155, Lot 42.02, 200 Executive Drive

Block 155.21, Lot 40, Prospect Avenue

EXHIBIT

A-1: Reprint of Figure 2; Aerial Context, Area in Need of Redevelopment Study, Block 155, Lots 40.02, 40.03, 41.02, 42.01, & 42.02 and Block 155.21, Lot 40, West Orange, NJ, Phillips Preiss Grygiel LLC, 2017

DISCUSSION

Chairman Bagoff stated the presentation was based on a Council Resolution (212-17 dated 9/19/17) sent down to by the Council authorizing the Planning Board to undertake a preliminary investigation to determine whether Block 155, Lots 40.02, 40.03, 41.02, 42.01 and 42.02 and Block 155.21, Lot 40 qualifies for designation as a Non Condemnation Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-1 et. seq.

Mr. Grygiel approached the podium. For the benefit of the Public, he gave a brief description of his professional credentials; he described his firm and stated the firm had prepared dozens of redevelopment studies for municipalities throughout New Jersey. His

Essex County clients included Maplewood, Montclair and Newark. He stated that local redevelopment law did not apply to just older urban areas; it was a tool that could be utilized in various settings like older office parks and retail shopping centers to older industrial buildings and vacant properties in inner cities. The focus of the presentation was to give an overview of the study he had prepared for the Essex Green/Executive Drive Area dated October 2017. He stated the scope of work for the study included review of surveys of land use and property conditions; multiple site visits; occupancy and ownership status within the Study Area and nearby areas; review of municipal tax maps; review of the official tax records of the Township; review of various Police, Fire, and Building Department records; review of the 2004 West Orange Reexamination Report and the 2010 Master Plan Update.

He stated that for multiple reasons, the overall conclusion was the Study Area did meet the statutory criteria for designation as an Area in Need of Redevelopment. He gave a brief summary of the findings. The Study Area contained an approximately 403,000 sq. ft. office complex with a vacancy rate of 58%; and an approximately 330,000 sq. ft. shopping center with a vacancy rate of 33%. Both properties were examples of markets within New Jersey that were currently challenged – outmoded suburban office and retail developments. He stated existing conditions were counter to the Township’s planning objectives for the area as discussed in the 2010 Master Plan Update.

Mr. Grygiel stated for the benefit of the Public he would go over key points of the Study. Referring to Exhibit A-1, he stated the Study Area was comprised of approximately 70 acres. He stated it was an interesting area due to its shape and arrangement. Despite the fact that it was next to Route 280 and other major roadways, it had a very unique road arrangement to get in to the shopping center and office building area on Executive Drive. The land uses surrounding the Study Area was varied; there was a wide use of commercial and professional offices uses. The Study Area was zoned P-C (Planned Shopping Center) and OB-1 (Office Buildings). He stated that the 2010 Master Plan update specifically noted with regard to the Essex Green shopping center and vicinity that “a key for this area is to maintain a balance of land uses, which will have benefits with regard to traffic as well as fiscal impacts.” He stated the Master Plan did talk about plans for future redevelopment of the area. It specifically did not propose an expansion of the retail zoning in the area, as there was sufficient land zoned for retail and service uses including the Whole Foods shopping area. It also did not recommend additional residential development; however, an exception for residential development could be considered for mixed-use development as part of a future redevelopment of the shopping center or another large property.

Mr. Grygiel stated the Study Area consisted of lands developed with an office park, a shopping center and also Block 155, Lot 40.03, a vacant lot owned by Essex Green. He opined the Township had appropriately identified the Study Area boundaries; the Study Area was surrounded by development that was in generally good condition, including residential development and operational businesses and offices along Rooney Circle, Prospect Avenue, and Mt. Pleasant Avenue including a new hotel and gym. He stated that under the regulations of the Local Redevelopment Housing Law (LRHL) there was a list of one or more potential criteria that had to be met for an area to be considered an area in need of redevelopment. He stated it was his professional opinion that within the Study Area all but one property, the vacant property (Block 155, Lot 40.03), met criteria “b” and “d”, the vacant property met the provision of “Section 3”. He stated that within the delineated area

criteria “b” would be defined as “The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable. Criteria “d” would be defined as “Areas with building or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these other factors, are detrimental to the safety, health, morals, or welfare of the community.

Mr. Grygiel stated that in a Study Area with multiple parcels, individual properties or blocks that did not meet any of the statutory conditions might still be included within an area in need of redevelopment provided that within the Study Area as a whole, one or more of the expressed conditions were prevalent. This provision was referred to as “Section 3”. He stated that his research indicated that the 5-acre parcel that was surrounded by Essex Green on one side and Executive Drive on another was currently vacant and had been since at least 2002; and did not have a reasonable chance of being redeveloped without being included in an overall redevelopment area.

Mr. Grygiel gave a brief recapitulation of the individual property evaluations within the Study Area. He stated the properties were aggregated into three assemblages based on common use and/or common ownership. They were evaluated based on surveys of land usage, property conditions, occupancy and ownership status.

Referring to Block 155.21, Lot 40, Essex Green Shopping Center (CLPF Essex Green LLC), Mr. Grygiel stated the property was delimited from its eastern frontage along Prospect Avenue and along Rooney Circle to the north, west, and south inclusive of the AMC Movie Theatre and Shop Rite. The property measured 33.60 acres and was irregular in shape. Vehicular access to the site was challenged due to its proximity to the Route 280 exit ramp. The main driveway into the shopping center was located along Prospect Avenue and did not provide direct access into the shopping center parking area; there was also access from Rooney Drive to the north and south. He stated pedestrian and bike access to the shopping center and the overall Study Area were extremely limited. The shopping center was built in 1957 and the last major renovation was done in 1991. He listed some of the current tenants; he stated the total square footage of the commercial space was 330,000 sq. ft.; the current occupancy was 77%. He stated he visited the shopping center and the interior retail units; the center’s unique layout and the interior retail units were obsolete by modern retail standards. The retail units were long and awkwardly laid out; many were designed with two “main entrances” located at either end of the units, and the units were characterized by low ceiling heights. The shopping center’s loading system consisted of a single loading dock on the lower level that connected to a system of tunnels where merchandise was unloaded and then distributed throughout the shopping center via a system of underground tunnels and stairways. There were no elevators connecting the basement and ground floor retail units; most tenants did not utilize the central loading dock, they relied on trucks pulling up to the front entrance of their stores which was not the original design, nor was it safe. Additionally, the shopping center was designed with a large central courtyard that was not used and was wasted space. He stated that for those reasons and for others cited in the report, he believed the property met criteria “b” and “d”. The shopping center was functionally obsolete; the main shopping center building was at least 60 years old; the retail space had

little functional value in the current marketplace.

Referring to Block 155, Lot 40.03, (CLPF Essex Green LLC), the vacant piece of property to the west of the shopping center, Mr. Grygiel stated the property was essentially undevelopable without assemblage with another property. It had topographical and access restraints, it was separated from the rest of the shopping center; it was located at the top of the hill above the office buildings. The property had been vacant for at least 15 years, possibly much longer. He opined the property qualified met criteria "Section 3"; it would be integral to the effective redevelopment of the overall redevelopment area.

Referring to the office buildings, Block 155, Lots 40.02, 41.02, and 42.02, (West Orange Office Executive Park, LLC), Mr. Grygiel stated these properties were all located to the north and west of Rooney Circle. The properties were under common ownership and shared common issues. The properties measured 32.26 acres; the total square footage of office space was 403,000 sq. ft.; the current vacancy rate was nearly 60%. He stated the issues with the office complex were numerous; but not unique to West Orange. He stated suburban office space in New Jersey has experienced a fundamental change over the past decade; most new office development was occurring in urban or mixed-use locations where retail and other amenities were within walking distance. He stated the office buildings were disconnected from main roads; there was no direct vehicular or pedestrian access into the office park. He stated the office buildings were designed in the 1970's; office ceilings were low; window space on a number of the buildings was small; the spaces did not get a lot of light and air. He stated the architect for the property owner had indicated the buildings were considered "Class C" office space in real estate; there was currently no real market for this type of office space in New Jersey; they could not compete in the current market place. He opined that for those reasons the properties met criteria "b" and "d". He cited the obsolete arrangement, dated aesthetics, large amounts of unused parking areas, and high vacancy rate. He stated that for the properties to become an economic driver for the Township, they must introduce upgrades including more on-site amenities and a mix of uses. He stated that throughout New Jersey, the only older office buildings/retail centers that seemed to survive were the ones that adapt to a mixture of uses or substantially upgrade their facilities.

Referring to the overall Study Area, Mr. Grygiel opined that all but one of the properties qualified for redevelopment designation under criteria "b" and "d", which was 93% of the land area within the Study Area; he stated 65.86 acres out of the total land area of 70.58 acres met the designation criteria. The remaining property which in and of itself did not meet any of the statutory criteria could be included in accordance with "Section 3".

Mr. Grygiel concluded his presentation.

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

Mr. Wilkes asked if the Study Area was zoned for commercial use only, not residential. Mr. Grygiel stated the shopping center was in the P-C zone which was strictly commercial, the office buildings were in the OB-1 zone which did allow for a one-family, detached dwelling, although he would not recommend it for the area. Mr. Wilkes asked if Mr. Grygiel knew the current occupancy of the three office buildings; Mr. Grygiel stated they were approximately 60% vacant. Mr. Wilkes asked if redevelopment would include Shop Rite; Mr. Grygiel answered yes. He said that was a good question because while the property was included

in the Study Area, it did not automatically mean a property would be replaced. Mr. Wilkes asked for clarification regarding the Study Area Report; Mr. Grygiel stated the current hearing was for the Planning Board to determine if the report met the criteria to designate the Study Area an Area in Need of Redevelopment. He stated that in the future, if there were a Redevelopment Plan, it would be adopted by the Council; any subsequent site plan (application) would be heard by the Planning Board.

Councilwoman McCartney asked if the Study Area were to be designated, what would happen to the existing tenants in the interim. Mr. Grygiel stated the designation alone did not change anything; it was a landlord/tenant issue. The current zoning would not change until such time as there was a Redevelopment Plan. The zone might not change with a plan. Councilwoman McCartney asked if it would be the responsibility of the property owner to relocate a tenant; Mr. Grygiel stated that was a private owner/tenant matter.

Captain Keigher asked Mr. Grygiel to confirm that to meet the statutory criteria, only one the conditions "a" through "h" had to be determined within the Study Area. Mr. Grygiel answered yes.

Mr. Trenk asked if the vacant lot (Block 155, Lot 40.03) was currently zoned for commercial use. Mr. Grygiel stated it was zoned P-C, the same as the shopping center; but given the layout and current zoning, the property was essentially useless. Mr. Trenk asked if there were studies regarding the shopping center's vacancy increases or decreases over the past few years. Mr. Grygiel stated he had the current statistics; he opined that with online competition and changing spending habits, traditional retail models had changed forever.

Mr. Weston stated that Mr. Grygiel skipped category "h", *"The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation."* He asked why the category was not included. Mr. Grygiel stated his firm did not generally include the category; for this Study Area he opined the stated criteria were stronger. Mr. Weston stated that in the past the Board had reviewed redevelopment zones in typically blighted, distressed areas; he knew the law had evolved in recent years. He asked Mr. Grygiel, what, other than the ability to plan the area comprehensively, would be the benefits of a Non-Condensation Area in Need of Redevelopment; what were the benefits to the Township. He stated the Area was not one of those distressed areas where the designation would be an easy decision. Mr. Grygiel stated Redevelopment designation allowed for greater control on the regulatory side specific to uses, design, building materials and timing; the Township would have the ability to stipulate deadlines to a developer. For a developer there would be the opportunity for tax abatements, PILOTS.

Mr. Eben asked when Mr. Grygiel was retained to do the report; he stated he was concerned Mr. Grygiel had prepared the report and was also the Township Planner. Mr. Grygiel stated he did not have the specific date. Mr. Dwyer stated that Redevelopment Law allowed for the Township Planner to conduct the report; there was no conflict. The Planner's interest was the same as the Township and the Board's interest. Mr. Eben stated the Short Hills Mall had the same exact tunnel design/loading system as the shopping center; why did the shopping center have a problem. Mr. Grygiel stated he was not familiar with the Short Hills Mall layout; however, he did not think they had only one loading bay; he described the shopping center layout in greater detail. Mr. Eben stated he did not observe anything "falling-apart" from the outside shopping center building; he stated the front parking

lot had been paved the previous summer; he façade had been painted from Panera to the former Macys; it looked well maintained. Mr. Grygiel stated that cosmetically it might look good in parts; however, inside the HVAC system and wiring were obsolete; all would have to be redone meet current standards including internet service. Mr. Eben asked if Mr. Grygiel had met with the new owner of the shopping center; what had the owner done since purchasing the property and what were the owner's plans. Mr. Grygiel stated he had met with the on-site property manager and representative of the property owner; they did not discuss specific design plans for the property. Mr. Eben asked Mr. Grygiel to recapitulate his testimony regarding the issues related to the vacant property.

Chairman Bagoff announced a recess at approximately 8:30 P.M; he reconvened the meeting at approximately 8:45 P.M. He stated the hearing of testimony and questions would continue but the Board would not be voting this evening due to administrative reasons.

Mr. Eben and Mr. Grygiel continued; Mr. Grygiel identified the issues related to the vacant property. Mr. Eben asked how the property had been created; Mr. Grygiel stated he did not research its history. Mr. Eben stated he had visited the office park during the middle of the day and observed all but one parking lot filled with cars; he asked where Mr. Grygiel obtained the 60% vacancy number. Mr. Grygiel stated the property owner had provided the number. Mr. Eben asked if the Municipal offices would be a good use for the office buildings; Mr. Grygiel stated the question was beyond the scope of Study, but anything was possible.

Mr. Cardoza asked for clarification regarding the number of property owners for the six lots in the Study Area; Mr. Grygiel stated there were two owners. Regarding the office buildings, Mr. Cardoza asked Mr. Grygiel to confirm he met with the owner's architect. Mr. Grygiel stated he met with the architect and property owner; he stated he met with the on-site property manager and property owner representative of the shopping center. Mr. Cardoza asked if the retail units' two entrances should be looked at primarily as an inconvenience to the retailers or primarily a safety issue. Mr. Grygiel stated part of the issue was safety. Mr. Cardoza asked what was the width of the foot bay tunnels; how were the tunnels lit; and the condition of the tunnel stairs. Mr. Grygiel stated the tunnels were approximately 15 ft. in width; the tunnels were dimly lit; the stairs were standard.

Harvey Grossman, Esq., Public Advocate, asked if it was correct that any of the six properties identified in the Study Area could be removed from redevelopment. Mr. Grygiel stated yes, if the Board so determined. Mr. Grossman asked if it was correct that the Board could designate the office buildings but not the shopping center as an Area in Need of Redevelopment. Mr. Grygiel answered correct. Mr. Grossman asked if any tax appeals had been filed for the lots. Mr. Grygiel stated he thought it was the case for the office buildings; but did not know the status. Mr. Grossman asked if tax appeals had been filed for the shopping center. Mr. Grygiel stated he had not looked in to the matter.

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

Kevin Malanga, Ridge Road, asked Mr. Grygiel if the report was the first one he had presented to the Board. Mr. Grygiel stated he had presented other reports including the Master Plan Update in 2010; the report was the first redevelopment study the Township had retained his firm to prepare. Mr. Malanga asked if the object of the redevelopment law was

to fight blight. Mr. Grygiel stated that was among the various purposes. Mr. Malanga asked, for an area to be designated an Area in Need of Redevelopment it was a shorthand way of saying the area was blighted. Mr. Grygiel stated the designation came out of the old Urban Renewal Law that talked about blight; the law had changed several years ago; it was expanded to include the nine conditions that could be addressed; it was no longer just inner city, run-down buildings. Mr. Malanga asked Mr. Grygiel several questions related to his criteria "b" determination. He asked if Mr. Grygiel had observed broken or boarded up windows, graffiti, or trash strewn throughout the premises. Mr. Grygiel stated there was partial discontinuance of use; there were formerly occupied spaces that were vacant; the buildings were in disrepair; he described the outdated retail units and mechanical systems. He stated he did not recall seeing any broken/boarded up windows; there may have been some graffiti in the tunnels; he had observed trash. Mr. Malanga asked Mr. Grygiel to explain how the properties were untenable. Mr. Grygiel stated the issue was based on the market industry. Mr. Malanga asked if Mr. Grygiel had inspected tenant leases; Mr. Grygiel answered no. Mr. Malanga asked if he had inspected any financial statements or tax returns; Mr. Grygiel stated it was not his obligation for the redevelopment study. Referring to criteria "d", Mr. Malanga asked Mr. Grygiel to clarify where in the report he had defined the factors that were detrimental to the safety, health, morals, or welfare of the community. Mr. Grygiel stated the report spoke generally about the Township's objectives for the area; that it would be an economic driver for the Township. If the current conditions persisted and vacancies continued, the area would no longer serve that purpose. Mr. Malanga asked if the area was currently detrimental; not ten years in the future. Mr. Grygiel stated he did not believe so. Mr. Malanga asked if Mr. Grygiel was familiar with the sale and purchase history of the Essex Green Shopping Center; did he know the most recent purchase price. Mr. Grygiel stated generally. Mr. Malanga stated the purchase price of the property had increased over the last several years; he stated that Mr. Grygiel could not give an opinion on whether the shopping center was a blighted property because it was going up in value. Mr. Grygiel stated in general, blighted properties decrease in value; however, the statute stated the proof was not blight; any of the other conditions could be met. Mr. Malanga asked if redevelopment area bonds and tax abatements were important reasons for a developer or property owner to seek designation. Mr. Grygiel stated they could be reasons. Mr. Malanga asked if the principle reason for the study was to provide the developers of the shopping center and office buildings with redevelopment area bonds and tax abatements. Mr. Grygiel stated no; not to his knowledge.

Mark Meyerowitz, 19 Howell Drive, asked if it would be possible for the Township to move the Public Works garage to the area; would Mr. Grygiel as Township Planner recommend moving the garage to the area. Mr. Grygiel stated the Township had the power to move a building or buildings functions; he had no current recommendation for the garage. In response to question from Mr. Meyerowitz, Mr. Grygiel clarified that if there were a designation, it would be a Non-Condensation Area in Need of Redevelopment.

Sally Malanga, 57 Ridge Road, asked Mr. Grygiel if he was paid separately for the report. Mr. Grygiel stated his firm had a different contract; the report was above the scope of his typical Township engagement. Ms. Malanga asked on what date was he contracted for the report. Mr. Grygiel stated he did not have the exact date. Ms. Malanga stated Mr. Grygiel had testified he was hired to create the designation for the Township; she asked Mr. Grygiel what exactly was he instructed to do by the administration. Mr. Grygiel stated he was hired

to investigate the six properties, all or in part, to determine if they met the criteria for an Area in Need of Redevelopment designation. Ms. Malanga asked Mr. Grygiel who had instructed him to create the report. Mr. Grygiel stated by Council Resolution. Ms. Malanga asked why in his Planner's Report for a previous application he did not comment on the lack of Complete Streets; yet the Study Area report stated it was a severe detriment to the area. Mr. Grygiel stated he had referenced the Complete Streets policy in the previous application; for the Study Area he had evaluated the condition of 70 acres including safety and circulation. Ms. Malanga asked why Mr. Grygiel had not discussed the Public Works garage and Animal Shelter. Mr. Grygiel stated they were not an existing condition. Ms. Malanga asked if the current owners of the vacant lot were obligated to landscape their property. Mr. Grygiel stated he did not believe so. Ms. Malanga asked if the property could be considered a zoning maintenance violation. Mr. Grygiel stated it could be a property maintenance violation. Ms. Malanga stated the report indicated that public intervention in the form of a redevelopment area designation would serve to ameliorate the current conditions. She asked why there was no discussion for the option of the property owners to update their premises. Mr. Grygiel stated the owners could update their properties at any time. Ms. Malanga asked Mr. Grygiel if he was recommending the issuance of redevelopment bonds and tax abatements. Mr. Grygiel stated he was not making any recommendations. Ms. Malanga asked if a 1950s residential neighborhood could be designated an Area in Need of Redevelopment. Mr. Grygiel stated it was possible. Ms. Malanga asked Mr. Grygiel if he was recommending the possibility of residential development. Mr. Grygiel stated it was not a new recommendation; it had been written seven years ago as part of the 2010 Master Plan Update. Ms. Malanga asked if Mr. Grygiel would recommend that no more residential be added to the Study Area. Mr. Grygiel stated the question was beyond the scope of the study.

Robert Daniel, 2B Buckingham Road, asked who prepared the list of properties described in the legal notice of October 19th. Mr. Dwyer stated the Municipal Clerk prepared the legal notice under the law. Chairman Bagoff asked Messrs. Dwyer and Grygiel to confirm if the legal notice was valid. Mr. Daniel asked Mr. Grygiel who was his liaison within the administration. Mr. Grygiel stated Mr. Moon from the Township attorney's office. Mr. Daniel asked Mr. Grygiel if he agreed that he had a conflict of interest preparing the report and being the Township Planner. Mr. Grygiel answered no. Mr. Daniel asked why did the area need redevelopment tax abatements. Mr. Grygiel stated that was not his testimony. Mr. Daniel asked why should the Township subsidize the area's redevelopment. Chairman Bagoff stated the questions were for the Township Council.

Adam Kraemer, 40 Moran Road, asked if the purpose of a redevelopment designation was to help economically challenged properties, not ones that were currently economically viable. Mr. Grygiel stated he did not think that was the purpose. Mr. Kraemer asked if the property was one of the biggest taxpayer in West Orange. Mr. Grygiel stated it was two properties; but it was fair to say that combined they were (biggest taxpayer). Mr. Kraemer asked that other than aiding the property owner, what would be the benefit of designation to the residents of West Orange. Mr. Grygiel stated the designation would help ensure the properties continued to be economically viable to the community.

Rosary Morelli, Ralph Road, asked for clarification regarding the process for designation of an Area in Need of Redevelopment. Chairman Bagoff stated it was for the Board to make

the determination; it was for the Council to decide if there would or would not be any economic incentives. Mr. Dwyer stated the process included a Redevelopment Plan then be prepared by the Board; then adopted by Council ordinance. A developer could then submit an application for development to the Board for approval. Ms. Morelli asked how long was the process. Chairman Bagoff stated the timeframe varied; it depended on the scope of the plan. Mr. Weston stated at least many months.

Rene Tiesh, 10 Ridge Road, asked for clarification regarding the safety of the roads for bicyclists and pedestrians; had any studies been done for the area. Mr. Grygiel stated the shopping center roadways were not pedestrian or bicycle friendly. He had not conducted a study but relied on his professional opinion based on twenty years of practice as to the appropriate layout of a shopping center.

Lewis Dorf, 4 Hepworth Court, asked Mr. Grygiel if he knew of any other 70-acre properties that were almost vacant within 30-60 minutes of Manhattan. Mr. Grygiel stated the question was beyond the scope of the study. Mr. Dorf asked if Mr. Grygiel knew the current asking price for warehouse space in the area. Mr. Grygiel answered no.

Tal Ben-Zvi, 5 Allsop Court, stated Mr. Grygiel had written the shopping center could not compete with modern shopping centers. He asked Mr. Grygiel if he had prepared any foot traffic or vehicular traffic studies or sales per square footage to come to that conclusion. Mr. Grygiel stated his conclusion was based on his observations, the current vacancy rate, current tenants, and the competition within the marketplace. He stated the 33% vacancy rate was high for a shopping center; especially given its location. Mr. Ben-Zvi asked Mr. Grygiel if he knew if the owner refused to renew certain leases; had substantially increased tenants rent; or refused to make improvements for tenants. Mr. Grygiel stated he did not know if the owner refused to renew leases or raise rents. He stated the discussions he had with the owners indicated they had made some improvements. Mr. Ben-Zvi asked the Board to order a subpoena for the owners to get correct documentation. Chairman Bagoff stated the Board would not order a subpoena. He stated if the information was pertinent for the Board to make its decision; the correct action would be to ask the owner to provide the information. If the owner did not comply, the Board would not have the information for the vote.

Robert Rashkes, 35 Oak Crest Road, asked if representatives of Shop Rite, AMC Theatres and others located in the redevelopment area had been notified about the hearing. Mr. Grygiel stated the property owners had been notified; he did not know if they had notified their tenants.

Loren Svetvilas, 699 Prospect Avenue, asked Mr. Grygiel, when the plan he did for the developers moved forward, would it come back to the Board. Mr. Grygiel stated currently, there was no plan; it was a study. If the study were adopted as an Area in Need of Redevelopment, he would then advise the Board on the Redevelopment Plan. He stated he did not work for the developer; he worked for the Township. Mr. Svetvilas asked Mr. Grygiel if he was a West Orange resident. Chairman Bagoff stated the question was not relevant.

The Public had no further questions for Mr. Grygiel.

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

Sally Malanga, 57 Ridge Road, was sworn in under oath. She stated she was in favor of modernizing Essex Green and Executive Drive but not with the help of the West Orange taxpayers. She stated the properties did not meet the criteria for redevelopment; it would be a blatant misrepresentation to declare it so. The Board was not just voting on the designation; but also on whether the Council would be issuing tax abatements and redevelopment bonds. It would be a tremendous burden on the taxpayers of West Orange. It was a shameless request for taxpayer dollars. The developers were wealthy; they needed to step up and repair their own properties. The Township needed to take responsibility for the fact they sold the Public Works and Animal Control facilities to yet another developer for which the taxpayers were already footing the bill.

Adam Kraemer, 20 Moran Road, was sworn in under oath. He stated he believed the redevelopment was a mistake. The Township had a very small commercial tax base. The properties were large commercial taxpayers and economically viable. He requested the Board vote no.

Kevin Malanga, Ridge Road, was sworn in under oath. He stated the area did not need to be declared an Area in Need of Redevelopment. He stated redevelopment meant blight; Essex Green was not blighted. He stated nothing in the report indicated blight. He stated the matter was all about redevelopment bonds and tax abatements. He urged the Board to say no.

Rosary Morelli, Ralph Road, was sworn in under oath. She stated the Board should consider tabling the vote to consider if there was a legal issue regarding Mr. Grygiel wearing two hats.

Harvey Grossman, Esq., Public Advocate, did not believe the area was an Area in Need of Redevelopment. He stated the report was without merit and should be denied.

Loren Svetvilas, 699 Prospect Avenue, was sworn in under oath. He stated it was not the taxpayers fault the area needed updating. He urged the Board to vote no.

Roz Moskovitz Bielski, 11 Wedgewood Drive, was sworn in under oath. She stated the area was unsafe for bicyclists. She stated that in 2012, the commercial property she owned with her brother had an approximately 33% vacancy rate and needed upgrading. They spent approximately two-million dollars to renovate and upgrade their investment property; and attracted new and better tenants. She stated it never would have occurred to her to approach the Board or Council to designate her properties as an Area in Need of Redevelopment.

The Public had no further comments on the presentation.

Chairman Bagoff stated the Board would deliberate at the next meeting. He asked Messrs. Dwyer and Grygiel to decide if the financial issues raised were significant and in need of further discussion. He asked the Board if they thought further discussion regarding the finances was required. Mr. Weston suggested some more concrete information other than that obtained by conversations; and also clarification regarding the issue of the Public Notice. Mr. Wilkes stated he would like to hear testimony from the property owners.

Chairman Bagoff stated the Board was to email him to request any other information they thought Mr. Grygiel should provide before the next meeting. Mr. Weston stated he was

opposed to emails. Mr. Dwyer stated if there were any other questions they should be asked presently or raised at the next meeting.

Chairman Bagoff announced the hearing would be carried to the next Planning Board regular meeting.

MEETING ADJOURNED at approximately 10:30 P.M.

Minutes adopted December 6, 2017.



Robin Miller, Secretary
Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY JANUARY 3, 2018 AT 7:30 P.M. IN THE COUNCIL CHAMBER.**