

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
December 6, 2017**

The Township of West Orange Planning Board held a regular meeting on December 6, 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 7:36 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 January 3, 2018 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, Gary Wegner, Ron Weston

ABSENT: Tekeste Ghebremicael, Vice Chairman Lee Klein, William Wilkes II

ALSO PRESENT: Paul Grygiel, AICP, PP, Township Planning Director
Patrick J. Dwyer, Esq., Board Attorney
Robin Miller, Board Secretary
Harvey Grossman, Esq., Public Advocate

ADOPT MINUTES

The minutes of the November 1, 2017 Planning Board meeting were unanimously adopted.

SWEARING IN

Township Professional: Paul Grygiel, AICP, PP, Township Planner

RESOLUTION(S)

None.

APPLICATION(S)

PB-17-09C/Essex County/TBZ/Main Entrance Renovation

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

560 Northfield Avenue

Courtesy Review Application to renovate existing entrance at the Turtle Back Zoo.

PB-17-10C/Essex County/TBZ/Leopard Exhibit Renovation

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

560 Northfield Avenue

Courtesy Review Application to renovate existing Leopard Exhibit at the Turtle Back Zoo.

EXHIBITS

- A-1:** Enlarged Aerial View of Turtle Back Zoo, prepared by French & Parrello Associates, dated 11/17/17
- A-2:** Conceptual Site Plan for Leopard Exhibit, drawn by Michael Piga, French & Parrello Associates, dated 12/5/17
- A-3:** Ground Floor Plan for Leopard Exhibit, Sheet SK-1, drawn by Lorrie A. Sciabarasi, AIA, Comito Associates PC, dated 11/15/17
- A-4:** Exterior Building Elevations for Leopard Exhibit at Turtle Back Zoo, Sheet SK-2, drawn by Lorrie A. Sciabarasi, AIA, Comito Associates PC, dated 11/15/17
- A-5:** Rendering of Turtle Back Zoo Entry and Administration Building, Comito Associates PC, undated.
- A-6:** Rendering of Turtle Back Zoo Entry and Administration Building, Comito Associates PC, undated.

Mark L. Fleder, Esq., Connell Foley LLP, legal counsel to Essex County, introduced the Courtesy Review applications as provided by statute. Mr. Fleder requested permission for both Applications to be heard together.

Michael J. Piga, LLA, French & Parrello Associates PA, was sworn in, stated his credentials, and was accepted by the Board to be an expert in landscape architecture. Referring to Exhibit A-1, Mr. Piga identified the location of the existing Leopard Exhibit, and the area of the Zoo Main Entrance. Referring to Exhibit A-2, Mr. Piga described the Leopard Exhibit existing conditions; he indicated the areas to be renovated. The current exhibit consisted of two exhibit areas, a gunite stream, stainless-steel netting, landscaping, stamped concrete walkaways, and a 950 sq. ft. exhibit building. The renovations to the existing holding area would include fixing the roof, adding a sink to the trainer's area, updating the pool filter system, upgrading the fence and grate systems. The renovations also included an approximately 1,300 sq. ft. addition to the east side of the building, increasing the total building footprint to approximately 2,300-2,500 sq. ft. For drainage, some sort of drywells would be added. There would be walkway improvements along the west side of the building. There would also be stairs to the west side of the building. Two outdoor, off-exhibit holding areas for the leopards would be on the north and south side of

the building. Landscaping would include lawn areas; one or two trees might require replacement. A new 12 ft. wide concrete walkway would lead up to the building and around to one of the outdoor holding areas. To the north of the exhibit, there would be a small new retaining wall approximately 2 ft. to 3 ft. in height to compensate for slope in the area. Mr. Piga concluded his testimony.

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

Councilwoman McCartney asked if the expansion would include new animals. Mr. Piga stated the upgrades were for the existing animals.

Mr. Weston asked for clarification regarding the size of the proposed addition, it looked like the proposal was to double the size of the existing building. Mr. Piga stated the current building was approximately 950 sq. ft.; the addition was 1,356 sq. ft. Mr. Weston asked if new exterior lighting was proposed. Mr. Piga stated any new lighting would be for security to the rear of the building. He confirmed any new lighting would be full cut off.

Mr. Eben asked for clarification regarding the height of the proposed retaining wall on the north side of exhibit; would the Public be able to walk in that area. Mr. Piga stated the height would be approximately 3 ft.; visitors would not have access to area. Mr. Eben asked if a railing was needed on top of the retaining wall. Mr. Piga answered no. Mr. Eben asked about the Zoo Master Plan; Mr. Fleder stated the Master Plan was scheduled to be completed in the early part of 2018.

Mr. Cardoza asked Mr. Piga to confirm there were currently six dens for six leopards. Mr. Piga stated there were six dens; he was unable to confirm the current number of leopards.

The Public Advocate had no questions for Mr. Piga.

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

The following members of the Public approached the podium to question Mr. Piga:

Robert Rashkes, 35 Oak Crest Road, West Orange

Sally Malanga, 57 Ridge Road, West Orange

Robert Daniel, 2B Buckingham Road, West Orange

In response to questions from the Public, Mr. Piga stated three trees would be removed; no additional visitor seating was planned; the total square footage of the Exhibit was approximately 3,900 SF; the building would be approximately 2,300 SF. He stated he worked with the Zoo Director and referred to the AZA (Association of Zoos and Aquariums) regulations to determine to size of the improvements. He described the existing exterior leopard habitat.

In response to Public question, Mr. Dwyer stated the Applicant was not required to Notice for Public Meeting. Mr. Weston clarified the application was for Courtesy Review only. Mr. Fleder stated the law was cited in Section 31 of the Municipal Land Use Law.

There were no further questions for Mr. Piga regarding the Leopard Exhibit.

Mr. Fleder called his next witness, Lorrie A. Sciabarasi, AIA, Partner, Comito Associates PC. Ms. Sciabarasi was sworn in, stated her credentials, and was accepted by the Board to be an expert in architecture, licensed in the State of New Jersey.

Referring to Exhibit A-3, (Leopard Exhibit Ground Floor Plan), Ms. Sciabarasi described the existing conditions. She stated the purpose of the project was to provide new larger spacious dens for the animals in accordance with the AZA regulations. There were currently two types of leopards at the Zoo – Snow Leopards and Amur Leopards; the renovations would allow the animals to interchange their environment on a daily basis; and create better space for new cubs. The new dens would have new gates and fencing; there would be two new exterior holding areas; a trainer's hallway; and the installation of shift doors to allow the leopards access to the existing exhibit yard. New double doors and steps for trainer access would be added to the southern exterior portion of the building. Mechanicals would be located on the east side of the new addition. Ms. Sciabarasi concluded her testimony.

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

Mr. Eben asked if the purpose of the ladder in the rear of the building was for roof access; what was the height of the ladder; and what was on the roof. Ms. Sciabarasi confirmed the ladder was for roof access; she stated there were skylights on the roof; the roof area allowed keepers an additional view of the exhibit during periodic inspections of the fencing. She stated the ladder was approximately 12 ft. high. Mr. Eben suggested reviewing the code regulations for a safety fence; Ms. Sciabarasi stated it would be over the top on the parapet.

The Public Advocate had no questions for Ms. Sciabarasi.

Chairman Bagoff asked the Public if they had questions for Ms. Sciabarasi.

The following members of the Public approached the podium to question Ms. Sciabarasi:

Kevin Malanga, Ridge Road, West Orange

Sally Malanga, 57 Ridge Road, West Orange

In response to questions from the Public, Ms. Sciabarasi stated the current size of the building was 950 sq. ft.; the addition would be approximately 1,300 sq. ft.; the individual dens would be 12 ft. by 12 ft.; the entire size of the exhibit (interior and exterior) was

approximately 10,000 sq. ft.; the interior habitat would be air-conditioned. There were currently two Snow Leopards (1 male, 1 female) and two Amur Leopards (1 male, one female).

In response to Public question regarding the handling of cubs; Mr. Fleder stated the Zoo operated to the strictest conformity of the AZA rules.

There were no further questions for Ms. Sciabarasi regarding the Leopard Exhibit.

Mr. Fleder stated Ms. Sciabarasi, as project architect, would continue with testimony for the application for the Zoo Main Entrance Renovation. Chairman Bagoff reminded Ms. Sciabarasi she was still under oath.

Referring to Exhibit A-5, Ms. Sciabarasi stated the project was to expand the zoo main entrance plaza to accommodate visitors. The existing ticket booths between the towers would be demolished; the towers would remain. Five new free-standing ticket booths would be installed in the area between the towers. The renovations would add more space for queuing lines; the plaza would be expanded west to the parking area; the current driveway area would be realigned. A grass like pattern would be painted on the roadway to indicate visitor crosswalks; removable bollards would be installed for traffic control during large events. Access to the area would be from two ramp walkways with shallow pitches. To the east of the plaza there would be a drop-off and loading area. A new pedestrian area including bench seating would be located on the left side of the plaza. The plan included construction of a new 1,800 sq. ft. building for group sales and private administration offices; it would include three additional ticket booths for days when there were overflow visitors. She indicated the location of new landscaping, trees and lighting. A new stroller rental space would be located in the area of the ticket booths.

In response to the Township Planner's Report dated 11/30/17; Ms. Sciabarasi stated the current surface parking lot included 130 parking spaces; the renovation would include a loss of 26 spaces. She stated the required number of handicap spaces would remain. Larger emergency vehicles would still be able to maneuver in the area.

Referring to Exhibit A-6, Ms. Sciabarasi stated the new entrance would be modern and clean. The two existing towers would remain; currently they were wrapped in stone; they would be refurbished. There would be new banners and signage, including a new digital sign in the area of the new administration building. She stated there would be no changes to the traffic pattern from Northfield Avenue. Ms. Sciabarasi concluded her testimony.

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

Councilwoman McCartney stated she hoped the reconfigured plaza would improve the wait time and traffic flow of the area. Ms. Sciabarasi opined the plan would really help the flow of pedestrian and vehicular traffic in and out of the Complex.

Mr. Eben stated the elimination of 26 parking spaces was a serious issue; there was currently insufficient parking. He asked if there was room for additional surface parking in the area; was there a plan to add additional levels to the existing parking garage. Ms. Sciabarasi stated an additional level could be added to the most recent parking deck. In response to question from Mr. Eben; Ms. Sciabarasi stated there would be a total of 13 ticket booths; including 3 booths that would be ADA compliant to accommodate a disabled employee. Mr. Eben asked if there was a second means of egress from the Zoo. He stated the County had not made any infrastructure improvements including additional rest rooms and parking. Ms. Sciabarasi stated she was not involved in the Master Plan Update for the Zoo.

Mr. Cardoza asked for confirmation that the group sales building was the new building addition. Ms. Sciabarasi answered correct. Mr. Cardoza asked if there would be any renovations to the existing building. Ms. Sciabarasi stated the existing building currently had two classrooms/party rooms that would be expanded in to one classroom/party room. The existing employee break room would be expanded; there would be some new spaces for IT, Security and equipment. She stated the building also was a means egress; there was a corridor leading to an exit. She stated there would be improvements to the existing rest rooms.

Mr. Grygiel asked if the project took in to consideration the Township Complete Street Policy or the County Complete Street Policy. Ms. Sciabarasi stated she was unable to find the Complete Street Policy in the Township's Master Plan. Chairman Bagoff requested Mr. Grygiel send the Policy to Mr. Fleder.

The Public Advocate had no questions for Ms. Sciabarasi.

The following member of the Public approached the podium to question Ms. Sciabarasi:

Robert Rashkes, 35 Oak Crest Road, West Orange

In response to Public question, Ms. Sciabarasi stated she did not know if the Main Entrance improvement project was listed in the existing Zoo Master Plan. She stated a traffic engineer had reviewed the circulation for the Main Entrance. She stated the proposed benches were of standard dimensions.

There were no further questions for Ms. Sciabarasi regarding the Main Entrance Renovation.

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

Robert Rashkes, 35 Oak Crest Road, was sworn in under oath.

There were no further comments from the Public.

Chairman Bagoff closed the public hearing; the Board deliberated.

Mr. Weston stated the Applications were ongoing Courtesy Review applications for improvements at the Zoo. He recommended the Board approve the Applications with the following recommendations; the County provide to the Board the updated Zoo Master Plan before any new projects are proposed; new parking be provided to accommodate the lost 26 spaces, possibly with a new level to the parking deck; and the County incorporate in to the Zoo Master Plan the guidelines of the Complete Streets Policy. Chairman Bagoff reiterated his request that Mr. Grygiel send the Township's Complete Street Policy to Mr. Fleder; he also recommended the cage around the ladder be code compliant. Councilwoman McCartney recommended additional directional signage to the overflow parking area on Cherry Lane so visitors did not travel further west on Northfield Avenue.

Before the vote, Chairman Bagoff asked Mr. Trenk if, in the past three years he had worked for Turtle Back Zoo in any capacity. Mr. Trenk answered not in the past two and half years. Chairman Bagoff asked Mr. Trenk if he had worked for the Zip-Line amusement; Mr. Trenk answered yes. Chairman Bagoff asked Mr. Trenk if he thought he could make an unbiased decision and vote on the Applications based on the information provided; Mr. Trenk answered yes.

The Board voted on the Applications as follows:

Motion: Mr. Weston

Second: Chairman Bagoff

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

Chairman Bagoff announced a brief recess at approximately 8:40 P.M.; he reconvened the meeting at approximately 8:46 P.M.

PRESENTATION/PUBLIC HEARING

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

Preliminary Investigation Report

Proposed Non-Condensation 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

Carried from the November 1, 2017 meeting.

DISCUSSION

Chairman Bagoff stated the Board would be reviewing a request by the Township Council based on New Jersey Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et. seq., to determine whether Block 155, Lots 40.02, 40.03, 41.02, 42.01 and 42.02 and Block 155.21, Lot 40 qualified for designation as a Non Condemnation Area in Need of Redevelopment. He stated Mr. Grygiel had presented the report at the November 1, 2017 meeting. Tonight he would provide further testimony based on questions asked at that meeting. After Mr. Grygiel completed his testimony, the Public would have the opportunity to ask questions based on the new testimony, and then comment on the report.

Chairman Bagoff stated he received a letter stating that two members of the Board should recuse themselves, Mr. Trenk and Councilwoman McCartney; one because of a blood relation, and one because of a statement made at a Public meeting.

Chairman Bagoff asked Councilwoman McCarthy if she could make a reasonable and unbiased decision on the report based on the previous information provided and new testimony to be presented; Councilwoman McCartney answered yes.

Chairman Bagoff asked Mr. Trenk if he could make a reasonable and unbiased judgement on the report based on the facts presented by Mr. Grygiel, the Public, and the members of the Board; Mr. Trenk answered yes.

Mr. Dwyer stated Councilwoman McCartney and Mr. Trenk had both expressed their ability to objectively hear and decide the presentation.

Mr. Grygiel approached the podium. Chairman Bagoff stated Mr. Grygiel had been sworn in previously and remained under oath. Mr. Grygiel stated he had looked in to a few questions that were asked at the previous meeting. He stated his contact for Essex Green Shopping Center was Lauren Holden, Senior Vice President, Clarion Partners; for the Executive Drive office buildings, (West Orange Office Executive Park, LLC), his email contact was Sam Cooperstein. As requested, he asked both representatives if they would appear before the Board to answer questions; they both declined.

Mr. Grygiel stated that at the previous meeting he had been asked about the vacancy rates cited in the report. As of late September 2017, Essex Green had 23.5% vacancy rate and 76.5% occupancy rate. Clarion Partners had provided the information in number form, and by a map of the shopping center that showed the vacant storefronts. Mr. Grygiel stated he had confirmed the vacancies by site visit. He stated that if the Shop Rite building was excluded, the vacancy rate would rise to just under 30%. Regarding the executive park, the vacancy rate given to him by the owner was 57.6%, it was only 40% occupied as of late September 2017. He stated he did not verify the entirety of the buildings, but had made a site visit to tour the office complex and the interior of two of the buildings. He stated he could only accept the numbers provided as reasonable based on the condition of the buildings and his deduction based on the number of tenants listed on the directory boards.

Mr. Grygiel stated at the previous meeting, there were questions regarding his role and his firm's role in the report. He stated his firm, Phillips Preiss Grygiel, had been continuously

representing the Township on a variety of planning matters since 2009. He stated that since 2012 he held the title of Township Planning Director, only because Township ordinances require that someone must hold the position. After the prior Director went out on medical leave, the Township asked him to perform the duties on a part-time basis, through his firm, based on his prior work on the Township Master Plan and Zoning Ordinance. His firm currently had a contract with the Township; it was an annual contract with a set fee amount that allowed for additional work on top of that amount. Mr. Grygiel stated he was not, nor had ever been a Township employee. He was an employee of Phillips Preiss Grygiel, the consulting firm. He stated it was common practice throughout the State of New Jersey for a consulting Planner to fulfill the role of Planner for a municipality. He stated it was not unusual for the Planner to perform the duties for the Board and also complete Redevelopment Studies, Redevelopment Plans, and Master Plans. He stated that any assertion that there was a professional conflict was without merit. He stated he had worked with the Board for several years; he opined there was no question regarding his objectivity. He stated he was the primary representative of his firm to the Township.

Mr. Grygiel stated the only other item he had to discuss was to summarize the report and his major findings. He stated the Study Area included approximately 70 acres on 6 tax lots with varied conditions. There were existing businesses on both properties; there were a number of issues with both the retail shopping center and the office complex including the high vacancy rates previously cited. He stated there were broader issues including the age of the buildings, their conditions, site layout and their deficiencies, visibility, the obsolete loading arrangement at the shopping center, and building design aspects such as low ceiling heights in shopping center retail spaces and the antiquated layout of the office buildings in vogue during the 1970s and 1980s. He stated there were larger trends in retail and office markets that would impact the Study Area's future viability. He stated older office buildings and complexes throughout New Jersey were being redeveloped or lying vacant when action was not taken. The Township realized the potential danger of this property becoming vacant as far back as 2010; the specific area was discussed in the adopted 2010 Master Plan Update. He stated those reasons warranted consideration to designate the area an Area in Need of Redevelopment; it was for the Board to decide if the criteria was met. He concluded his testimony.

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

Captain Keigher asked Mr. Grygiel to confirm the Board would not be voting on the allocation of any funds or tax abatements; the Board would just be voting on whether the Study Area met the statutory criteria, and it only took one of the conditions to meet the criteria. Mr. Grygiel confirmed only one condition was required; he stated he had cited criteria "b" and "d"; he confirmed that the only task before the Board was to decide if the Study Area met the criteria; there were no other redevelopment issues before the Board.

Mr. Trenk asked Mr. Grygiel to confirm the area did not need to be blighted for redevelopment consideration. Mr. Grygiel stated the redevelopment law criteria options went beyond bordered up buildings, broken windows, and contaminated sites. He cited

Princeton, the downtown area was designated an Area in Need of Redevelopment due to obsolete and outdated conditions.

Mr. Weston asked Mr. Grygiel to confirm the Resolution from the Township Council had asked the Board to investigate the area; he stated that in essence, Mr. Grygiel as Board Planner, was representing the Board; he had prepared the report for the benefit of the Board as requested by the Township Council. Mr. Grygiel answered yes; the Council Resolution authorized the Board to investigate the area by commissioning a report done by a planner. He stated it was common for a Board to utilize the same consultant; it was efficient to use the consultant already familiar with a municipality. Mr. Weston asked Mr. Grygiel to confirm that his report summarized his professional opinion the two principal properties met criteria "b" and "d", and Section 3 for the vacant property. Mr. Grygiel answered yes.

Mr. Eben asked Mr. Grygiel when was he hired to write the report; was it before September 19, 2017; and when were the report photographs taken. Mr. Grygiel stated his firm had been under contract with the Township continuously since 2012; he had been Municipal Planner since that time. He stated that in his role of Municipal Planner he met regularly with property owners, the administration, and others. He stated there had been some preliminary discussion regarding the area prior to September 19, 2017; he had also visited the site with an associate of his firm prior to that date. He stated the photographs were taken on September 19, 2017. He stated the report was written during the period between September 19, 2017 and October 10, 2017.

Mr. Wegner asked Mr. Grygiel to clarify; if before entertaining a redevelopment plan, was not a property owner required to correct identified issues or violations. Mr. Grygiel stated that over the years, the property owners had addressed various building code and property maintenance issues, and performed various renovations; however, the current conditions were beyond the scope of building code or maintenance issues. He stated there was no requirement for a property owner to resolve issues before a redevelopment plan; he specified that there was not a redevelopment plan in place for the Study Area. The Board first had to decide if the area met the criteria for designation. In response to Mr. Wegner's question; Mr. Grygiel stated the shopping center was in a P-C zone; it allowed, but did not mandate, a wide-range of uses. A redevelopment designation would allow the Township more input regarding the use of the property.

The Board had no further questions for Mr. Grygiel.

Harvey Grossman, Esq., Public Advocate approached the podium. He asked Mr. Grygiel to confirm the basis for his conclusion that the Area in Need of Redevelopment designation was appropriate due to vacancies and the obsolescence of the properties. He asked if Mr. Grygiel had investigated how the owners were marketing the properties. He asked Mr. Grygiel if he knew what "triggered" the Council to request the Planning Board investigate the area. Mr. Grygiel stated his conclusion was based in part on those elements; the report discussed many other elements in detail; the Township Master Plan identified the importance of the Essex Green property as an economic base for the community; and the changing nature of the retail markets. He stated he had not done an in-depth study of how

the properties were marketed; he stated the owners were actively seeking tenants. He stated the redevelopment law criteria did not deal with the marketing of - or investment in - property by owner. He stated if the properties were developed today, they would not look anything like they did presently. He reiterated that it was his professional opinion the area suffered from a number of issues that contributed to the current conditions; he recapitulated his report findings; he identified potential benefits and options to the Township should the area be designated. He stated he did not know what "triggered" the Council; however, it was not uncommon for municipalities throughout New Jersey to investigate and consider redeveloping properties like older shopping centers, office complexes, and industrial complexes.

Chairman Bagoff asked the Public if they had questions for Mr. Grygiel based only on his new testimony.

The following members of the Public approached the podium to question Mr. Grygiel:

Kevin Malanga, Ridge Road, West Orange

Jennifer Larson, 277 DeRose Court, West Orange

Robert Daniel, 2B Buckingham Road, West Orange

Lewis Dorf, 4 Hepworth Court, West Orange

Sharon Sherman, 7 Lakeview Drive, West Orange

Sally Malanga, 57 Ridge Road, West Orange

Lee Saul, 47 Carteret Street, West Orange

Joyce Rudin, Woodland Avenue, West Orange

Clare Silvestri, 23 Grandview Avenue, West Orange

Danna Steck, 302 Araneo Drive, West Orange

Mark Robertson, Cheshire Terrace, West Orange

Irv Schwartzbaum, 10 Lakeview Drive, West Orange

Carole Gottlieb, 321 Araneo Drive, West Orange

Robert Rashkes, 35 Oak Crest Road, West Orange

In response to questions from the Public, Mr. Grygiel confirmed he had visited the sites, he stated the dates and approximate times of visits, and he conveyed his observations. He briefly described the uses associated with the areas currently zoned P-C and OB-1; he gave a brief description of the term "overlay zone". He discussed the tools available to the Township should the area be designated; he described the steps involved in the process from designation, to redevelopment plan, and then application for site plan approval. He

stated that an area did not have to be entirely void of retail or professional businesses to be designated an Area in Need of Redevelopment. He stated the Board had discussed the importance of the area in the 2010 Master Plan Update. At times during public questioning, Chairman Bagoff and Mr. Dwyer advised the Public their question was unrelated to the scope of Mr. Grygiel's testimony or the scope of the study.

Chairman Bagoff announced a brief recess at approximately 11:01 PM.; he reconvened the meeting at approximately 11:07 PM

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

Kevin Malanga, Ridge Road, was sworn in under oath.

Chairman Bagoff closed the public hearing; the Board deliberated.

Mr. Weston stated the Board heard many questions and concerns from the Public; he stated the Board had previously dealt with redevelopment studies; he stated Mr. Grygiel's report concluded the area met the criteria "b" and "d". He stated the properties may currently not be a hazard, but for the general welfare of the Public, it was the duty of the Board to identify and avoid further deterioration. He stated the area of the two properties had been identified in the 2010 Master Plan Update as an important economic engine of the Township. He stated many municipalities were using the designation tool; he stated he believed the criteria "b" and "d" had been met. The area was an important and integral part of the Township; he was satisfied with the findings of the report and was prepared to make a motion to recommend to Council the area be designated an Area in Need of Redevelopment.

Councilwoman McCartney stated the report was the first step in the process of redevelopment; a vision plan, financial agreements, incentives or tax abatements were not currently being discussed. She believed the area was underperforming economically; she agreed with the findings of the report.

Captain Keigher thanked the Public for their participation and stated he shared their concerns for the future of the area. He asked Mr. Dwyer if there had been any changes or updates to the statute of redevelopment law since the date of the report. Mr. Dwyer stated he was not aware of any changes.

Mr. Trenk stated Mr. Grygiel's report and testimony showed the statutory requirements were met.

Mr. Eben stated there was some validity to the report. He suggested the Board not vote to designate the area but have the Township officials from Police, Fire, Building, Zoning and Health Departments go in to the facility to talk with the owners to determine what actually needed to be done. He stated there were things that could be done to make the existing shopping center viable with the money from the owners, not the Township. He stated he did not think the area should be designated a redevelopment area.

Mr. Wegner stated the Public had asked some valid questions; he recognized the need for the area to remain economically viable for the Township; he understood the concerns that the properties were underperforming. He thought there might be some validity in having further discussion with the property owners to determine if there were other options available prior to a recommendation for designation.

Mr. Cardoza stated he understood the frustration of the Public with the limited scope of inquiry the Board had to respond. He reiterated the scope was limited to the statute; the Board's interpretation hinged on the wording of the statute.

Councilwoman McCartney stated the Board did not have the right to tell a property owner what they needed to do with their property. She acknowledged that the Board might like a property owner to maintain or enhance with better design standards; but enforcement was not a function of the Board.

Mr. Weston stated it was important to make the distinction the report was to determine a Non-Condensation Area in Need of Redevelopment. The designation would be the perfect tool to get the Township to work with the cooperative owners for specific land use solutions.

The Board voted on the Recommendation as follows:

Motion: Mr. Weston

Second: Mr. Cardoza

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

Chairman Bagoff announced the Recommendation to Council for the Area in Need of Redevelopment & Area in Need of Rehabilitation, Preliminary Investigation Report, Eagle Rock Commercial Area would be carried to the January 3, 2018 regular meeting.

MEETING ADJOURNED at approximately 11:37 P.M.

Minutes adopted January 3, 2018.



Robin Miller, Secretary
Township of West Orange Planning Board

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