

RESOLUTION OF APPROVAL
PLANNING BOARD OF THE TOWNSHIP OF WEST ORANGE

Decided: May 2, 2018
Memorialized: June 6, 2018

**375 Mt. Pleasant Avenue, LLC
Amended Final Site Plan Approval
With Deviation from Redevelopment Plan
375 Mt. Pleasant Avenue
Block 155, Lot 26
PB-18-01**

WHEREAS, 375 Mt. Pleasant Avenue, LLC (the "Applicant") having an address at One Paragon Drive, Montvale, NJ 07645, having made application for Amended Final Site Plan Approval with deviation from the Organon Redevelopment Plan for premises at 375 Mt. Pleasant Avenue, West Orange, NJ, also known as Block 155, Lot 26 on the tax map of the Township of West Orange (the "Premises"); and

WHEREAS, the Board having conducted a public hearing on this application on May 2, 2018; and

WHEREAS, the Applicant having appeared by Robert Williams, Esq. and by witness J. Michael Petry, PE and the Board having received a review letter from Township Planner Paul Grygiel, AICP dated April 23, 2018 and a copy of the Site Plan Review Advisory Board dated April 10, 2018, and having granted an opportunity for public comment; and having deliberated on the merits of the application;

IT IS HEREBY RESOLVED:

EVIDENCE SUBMITTED

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

1. A West Orange Planning Board application, and the following:
 - i. Schedule A Ownership Percentage List;
 - ii. Schedule B List of Exhibits;
 - iii. Resolutions by the Planning Board or Planning Board Technical Review Committee PB-08-14T adopted on June 4, 2008, PB-08-08 adopted on November 5, 2008, PB 10-18T adopted on August 4, 2010, PB-10-22T adopted on October 6, 2010, PB-11-15T adopted on May 5, 2011, PB-12-23T

adopted on October 10, 2012 and PB-12-32T adopted on February 6, 2013;

- iv. Checklist;
 - v. Location Map;
 - vi. Parking Study prepared by Petry Engineering, LLC dated January 31, 2018;
 - vii. Site Plans prepared by Petry Engineering, LLC dated February 5, 2018 (Sheets SP-1, SP-2)
 - viii. As-Built Survey prepared by MPF Land Surveying, LLC dated July 31, 2011; and
 - ix. Color Photographs of the Subject Property (7).
2. The following Exhibits were admitted into evidence:
- Ex. A-1 Site Plan by Petry Engineering dated Feb. 15, 2018
 - Ex. A-2 Photographs
 - Ex. A-3 Depiction of Uses on Site prepared by Petry Engineering, LLC
 - Ex. A-4 Layout Sheet prepared by Petry Engineering dated May 22, 1989.
3. Robert Williams, Esq. introduced the application on behalf of the Applicant. He stated that Applicant seeks to convert portions of the existing building on site into medical office use and to utilize two residential structures for offices.
4. Applicant called J. Michael Petry who was sworn and qualified as an expert engineer and a planner.
5. Mr. Petry testified that the original approval was for 105,800 sq. ft. of medical office space with 480 parking spaces, 22 of which were “banked”.
6. Unit 1A in the main building which is presently being used for storage would be converted to medical offices.
7. The original site plan restricted use of two residential buildings on the property for guard house use only.
8. He explained that the issue involved parking, and that by converting unused space into medical offices and the guard houses into offices, the parking demand would increase.

9. Mr. Petry referred to the Parking Study prepared by his office which was submitted with the application. He noted that with the building 82.4% occupied that the parking lot was only being used at approximately 48% capacity.
10. As a planner Mr. Petry noted that the proposed conversion would promote goals of the Redevelopment Plan to encourage use of the site for medical office purposes and provide the improvements necessary to achieve that goal. He opined there would be no detriments because the parking would not spill over onto the surrounding streets and the uses and would remain exclusively on site.
11. In his opinion the existing parking would be more than needed by the proposed conversion of existing unused space into usable space even if the building was at 100% occupancy.
12. Responding to Board questions he stated that the two residential buildings on site are currently vacant.
13. Mr. Petry noted that the parking spaces adjacent to the residential structures would re-stripped and turned into handicapped accessible spaces.
14. He stipulated that a sidewalk would be installed between the future parking area and the main parking area when the Applicant returns to the Board to construct the future parking area.
15. There was no public comment for or against the application.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

16. The Premises are located in the O-RA Office Redevelopment Alternative Zone where medical offices are a permitted use.
17. Applicant seeks to convert storage space within an existing office building to use as medical offices and to convert two other formerly residential buildings on the property to useable office space.
18. The proposed changes would result in an increase of the number of parking spaces required.
19. The parking requirements for the site are contained in the Organon Redevelopment Plan.
20. The proposed changes would add 13,500 sq. ft. of usable floor area to the property, increasing the site's building area from 104,817 sq. ft. to 118,347 sq. ft. Since no increase in parking spaces is proposed a deviation from the Redevelopment Plan is required.

21. The Applicant proposes to continue to provide 457 parking spaces, plus 22 future “banked” spaces. The medical office parking standards require the Applicant to provide the greater of two calculations: either one space for every 200 square feet of medical office space which results in a minimum of 592 spaces; or “one parking space for each professional person, plus one parking space for each employee plus two parking spaces for each examination room, not including a room for x-ray examination in a medical or chiropractic office or clinic, plus two additional spaces for each dental chair” which results in 316 spaces. The higher requirement is 592 spaces.
22. To deviate from the standards in the Redevelopment Plan the Board must find that there is either undue hardship or practical difficulty associated with the strict application of the requirements of the Redevelopment Plan in connection with the property, or that the purposes of the Plan would be advanced by the deviation and the benefits of granting the deviation would outweigh any detriment. In addition an applicant must prove the negative criteria.
23. The Board finds that the deviation sought can be justified. The evidence showed that the current parking availability is underutilized by nearly half at 48%. Even if the existing space was 100% occupied, and the proposed space was added into the calculation, the study shows there is more than sufficient available parking on site to handle the increase. Accordingly, there would be no detriment to the neighborhood because the onsite parking, including the easement spaces at 347 Mt. Pleasant Avenue, would accommodate the increased parking demand with no spillover onto offsite spaces. The Plan encourages medical office use for the site and increasing that use, and converting the residential buildings into office space to support that use, would be a benefit with few detriments. It would be practically difficult to add all of the parking required, especially with the evidence showing that it is not needed.
24. The Board finds that the Applicant has carried the burden of proof necessary to obtain the deviation sought.

THE DECISION

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

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

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

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

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

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

5. The Applicant shall pay all outstanding taxes, tax liens, application fees and technical review fees, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.

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

7. All conditions of approval shall be written on the plans.

8. Applicant shall construct the sidewalk from the future parking area (the 22 "banked" spaces) to the main parking area upon approval from the Board for the future parking area. The Applicant will restripe the existing spaces adjacent to the residential structures to create handicapped spaces, if required at the time it seeks to rent, use or sell the residential

structures. The restriping of the spaces for handicapped parking will result in a reduction of parking spaces from 457 to 455.

9. In the event the Board notifies the Applicant that the 22 “banked” spaces must be constructed, Applicant shall return to the Board to amend the site plan.

10. Condition No. 12 in the Resolution of this Board adopted on November 5, 2008 is hereby excised. All other conditions of that Resolution remain in full force and effect.

Certified to be a true copy of a Resolution adopted by the West Orange Planning Board on June 6, 2018.



Robin Miller, Secretary

Vote on the Action Taken by the Board

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Cardoza			*			
Keigher			*			
Klein			*			
McCartney						*
McPherson (1 st Alt.)			*			*
Trenk						*
Wegner			*			
Weston (Vice Chair)	*		*			
Wilkes			*			
Bagoff (Chair)		*	*			

Vote on the Memorializing Resolution

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Cardoza		*	*			
Keigher						*
Klein						*
McCartney						
McPherson (1 st Alt.)			*			
Trenk						
Wegner						*
Weston (Vice Chair)			*			
Wilkes			*			
Bagoff (Chair)	*		*			