

RESOLUTION OF APPROVAL
PLANNING BOARD OF THE TOWNSHIP OF WEST ORANGE

Decided: June 6, 2018
Memorialized: July 11, 2018

44 Washington Street WO, LLC
Preliminary and Final Site Plan Approval
With “c” Variances
44 Washington Avenue
Block 118, Lot 40
PB-18-03

WHEREAS 44 Washington Street WO, LLC (the “Applicant”) having an address at 109 Ashland Avenue, West Orange, NJ 07052 having made application for Preliminary and Final Site Plan Approval with “c” variances for premises located at 44 Washington Avenue, West Orange, NJ also known as Block 118, Lot 40 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 June 6, 2018; and

WHEREAS the Applicant having appeared by Lawrence S. Cutalo, Esq. and by witness Nick Tsapatsaris, PE, RA, and the Board having received a review letter from Township Planner Paul Grygiel, AICP dated May 30, 2018, and a review letter from Board Consulting Engineer Bowman dated June 1, 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. Proposal and Reasons for Relief;
 - ii. Requested Variances and Waivers;
 - iii. 10% Ownership Disclosure Statement;
 - iv. List of Required Regulatory Approvals;

- v. Certification of Owner's Authorization;
 - vi. Site Plan Checklist;
 - vii. Sustainability Checklist Form;
 - viii. Application for Tree Removal and Replacement Permit;
 - ix. Resolution of the West Orange Planning Board dated October 15, 2015 (ZB-15-02);
 - x. Engineering Architectural Drawings prepared by Nick Tsapatsaris & Associates dated April 1, 2017 last revised May 21, 2018 (Sheets T-001, SP-101, SP-102, SP-201, SP-301, SP-401, PA-101 & PA-201); and
 - xi. Survey prepared by Richard J. Hingos, Inc. dated April 9, 2018.
2. The Board also received a Memorandum from West Orange Deputy Fire Chief dated May 8, 2018.
3. The following Exhibits were admitted into evidence:
- A-1:** Rendering, Proposed Concept Façade, prepared by Nick Tsapatsaris & Associates, dated 4/1/17;
 - A-2:** Site Plan, Drawing Number SP-101, prepared by Nick Tsapatsaris & Associates, dated 3/28/18, last revision 5/29/18 as per Elevation Report and NAVD 88 DATUM;
 - A-3:** Grading and Utility Plan, Drawing Number SP-201, prepared by Nick Tsapatsaris & Associates, dated 3/28/18, last revision 5/29/18 as per Elevation Report and NAVD 88 DATUM;
 - A-4:** Proposed Preliminary First Floor Plan Elevation, Drawing Number PA-101, prepared by Nick Tsapatsaris & Associates, dated 4/1/18, revised 5/29/18 as per Elevation Report and NAVD 88 DATUM;
 - A-5:** Proposed Preliminary Building Elevations (Steps), Drawing Number PA-201, prepared by Nick Tsapatsaris & Associates, dated 4/1/18, last revision 5/29/18 as per Elevation Report and NAVD 88 DATUM
4. Lawrence Cutalo, Esq. introduced the application on behalf of the Applicant noting that the Applicant seeks to repurpose and add onto the existing building to create a laundromat.
5. Applicant called Nick Tsapatsaris PE, RA who was sworn and qualified as an expert in engineering and architecture.
6. Mr. Tsapatsaris testified that Applicant seeks to expand the existing 2,835+/- sf building with a 2,538 sf addition. Applicant will redesign circulation and parking on the west and north sides of the building. He noted that the property is

trapezoidal in shape which is causing the variances needed. He noted that truck turnaround models showed that a 32 ft. garbage truck could maneuver on the site but would encroach upon the adjacent Township property in its reverse movement. (Sheet SP-102) He noted that the property sits in a floodplain but that the proposed addition would comply with the minimum elevation required by NJDEP. Applicant seeks to avoid changes in grade in order not to cause floodplain issues. Applicant will be seeking a Treatment Works Approval (“TWA”) because the proposed laundromat will have 45 washers each of which requires 580 gallons per day which in the aggregate exceeds the 8,000 gpd threshold for a TWA.

7. Mr. Tsapatsaris addressed and discussed at length the review letters from the Board Planner and Consulting Engineer. It was noted that many of the comments had already been incorporated in the revised plans and the remaining comments would be addressed in the future.

8. Discussing the variances Mr. Tsapatsaris testified that the following were needed:

SECTION	REQUIRED	EXISTING	PROPOSED
25-7.1 Minimum side yard setback	6 ft.	4.25 ft.	4.25 ft. to addition
25-7.1 Maximum lot coverage	75%	100%	98.4%
25-12.1.b Minimum parking space setback from structures	5 ft.	Not provided	0 ft.
25-12.1.h Minimum parking aisle width	24 ft.	12.69 ft. minimum, 22 ft.	12.69 ft. minimum, 22 ft. typical
25-12.1.p Minimum number of trees in parking lot	2 (1 per 10 spaces)	0	1
25-12.2 Minimum parking spaces	22	13	20
25-12.3.a.1 Minimum loading space size	10 ft. by 40 ft.	none	10 ft. by 35 ft.
25-14.2 Minimum levels of illumination for parking areas	2.0 footcandles	Not provided	1.3 footcandles average

9. Mr. Tsapatsaris testified that Applicant would install two trees in the parking lot which would eliminate one variance.
10. Discussion was had about installing a sidewalk between the building and the parking spaces, however, it was noted that doing so would push vehicles closer to the street sidewalk which would be less safe when they back out.
11. There was no public comment for or against the application.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. The Premises are located in the B-1 zone where commercial buildings are a permitted use.
13. Applicant proposes to renovate and expand an existing commercial building for use as a self-service laundromat.
14. The property is located at the corner of Washington Avenue and Liberty Street. It is occupied by a one story building having 2,835 sq. ft. A 2,538 sq. ft. addition is proposed to the rear of the existing building.
15. Applicant would reconfigure circulation and parking, add a loading and trash enclosure, install two shade trees and lighting.
16. After plan revisions the variances needed are:

SECTION	REQUIRED	EXISTING	PROPOSED
25-7.1 Minimum side yard setback	6 ft.	4.25 ft.	4.25 ft. to addition, 2 ft. to compressor
25-7.1 Maximum lot coverage	75%	100%	98.4%
25-12.1.b Minimum parking space setback from structures	5 ft.	Not provided	0 ft.
25-12.1.h Minimum parking aisle width	24 ft.	12.69 ft. minimum, 22 ft.	12.69 ft. minimum, 22 ft. typical
25-12.2 Minimum parking spaces	22	13	20
25-12.3.a.1 Minimum loading space size	10 ft. by 40 ft.	none	10 ft. by 35 ft.
25-14.2 Minimum levels of illumination for parking areas	2.0 footcandles	Not provided	1.3 footcandles average

17. Applicant noted that the side yard setback would be maintained at 4.25' but intensified, the lot coverage would be decreased slightly, the parking aisle would match the existing, the parking space deviation would be small, the loading space could still be serviced by a commercial hauler, and the lighting levels would be adequate.
18. The Board finds that the variances sought can be justified. The lot is trapezoidal in shape which is unique and constrains the buildable envelope causing hardship for development. The proposal can nevertheless locate on the site without substantial detriment to the neighboring properties. It is noted that the left side yard setback deviation is along the boundary of another existing commercial building in the B-1 zone and is therefore not incompatible with that use. Impervious coverage will be reduced. The limited amount of traffic will be sufficiently accommodated by the

proposed drive aisle, and the same is true for the slightly nonconforming number of parking spaces. The loading space will be sufficiently large to accommodate the trash and recycling generated. Installing sidewalks along the building would decrease the amount of room for vehicles exiting the north side parking spaces when backing out onto Washington Avenue. Although these conditions deviate from the zoning ordinance and master plan they do not cause substantial impairment to their intent and purpose. In all, the proposal will repurpose the site and return it to active commercial use as is intended in the B-1 zone and in furtherance of the Master Plan.

19. The Board finds that the Applicant has carried the burden of proof needed for both the positive criteria and the negative criteria and therefore qualifies for the variances sought.

THE DECISION

WHEREAS, the Board, having reviewed the application for Preliminary and Final Site Plan approval with “c” variances and having considered the impact of the proposed application on the Township’s master 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 Preliminary and Final Site Plan approval with variances as set forth in the revised 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.
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 to comply with the comments in the review letter from Board Consulting Engineer Bowman dated May 30, 2018 subject to the review and approval of Bowman.

9. Applicant to comply with the comments of the Fire Official in his Memorandum dated May 8, 2018.

10. The proposed compressor shall be located in the left side yard setback.

11. Applicant to install a “cool roof” on the addition.

12. Location and type of trees to be planted shall be subject to the review and approval of the Township Forester.

13. Applicant to locate condensers inside the trash enclosure, to be protected by bollards.

14. Trash and recycling to be picked up no later than one-half hour prior to the time the laundromat opens.

Certified to be a true copy of a Resolution adopted by the West Orange Planning Board on July 11, 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)						