

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
July 11, 2018**

The Township of West Orange Planning Board held a regular meeting on July 11, 2018 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 August 1, 2018 in the Council Chamber at 7:30 P.M.

Chairman Bagoff stated the air conditioning system would not be used during the meeting. On Monday July 9, 2018, a Township employee had been diagnosed with Legionnaires Disease and was being treated medically. The Township had notified the State of New Jersey. The Chairman had spoken with the Township Health Officer who informed him the building had been tested by an outside agency. Town Hall had been open for business and had not been closed.

ROLL CALL

PRESENT: Chairman Robert Bagoff
John Cardoza
Captain Michael Keigher
Council President Susan McCartney
Kenneth McPherson
Andrew Trenk
Gary Wegner
Vice Chairman Ron Weston

ABSENT: Lee Klein
William Wilkes II

ALSO PRESENT: Susan S. Gruel, P.P., Heyer, Gruel & Associates
Patrick J. Dwyer, Esq., Board Attorney
Robin Miller, Board Secretary
Harvey Grossman, Esq., Public Advocate

ADOPT MINUTES

The minutes of the May 2, 2018 Planning Board meeting were unanimously adopted.

SWEARING IN

Township Consulting Professional: Susan S. Gruel, P.P., Heyer, Gruel & Associates

RESOLUTION(S)

PB-18-03/44 Washington Street WO, LLC

Block: 118, Lot: 40, Zone: B-1

44 Washington Street

Preliminary and Final Major Site Plan with "c" Variances.

6/6/18

Mr. Dwyer gave a brief recapitulation of the Application approved at the June 6, 2018 regular meeting. He stated the Applicant had discovered some potential grade issues subsequent to the June approval and if there were to be substantial changes the Applicant would come back before the Board with a revised site plan.

The Board voted on the Resolution as follows:

Motion: Vice Chairman Weston

Second: Mr. Cardoza

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

APPLICATION(S)

NONE.

REDEVELOPMENT PRESENTATION:

300 Executive Drive Redevelopment Plan July 2018

Block 155, Lot 42.01

Presented by Susan S. Gruel, P.P., Heyer, Gruel & Associates

DISCUSSION:

Ms. Gruel approached the podium, stated her professional credentials and was accepted by the Board to be an expert in planning. Ms. Gruel stated her firm had been retained in June 2018 to work with the Board to prepare a draft Redevelopment Plan for an area that in the beginning of 2018 the Township governing body had designated a Non-Condensation Area in Need of Redevelopment per the Local Redevelopment and Housing Law (LRHL). She stated the Board had gone through the statutory redevelopment process; the governing body had asked the Board to evaluate the area including the site located at 300 Executive Drive. She stated she was aware of litigation associated with the designation; however, the Township had determined it wanted to move forward with the preparation of a draft Redevelopment Plan, understanding that if there were to be a change in the designation status; it would have to be considered at a future date. Ms. Gruel stated the Redevelopment Plan was the next step in the process; the plan contained the elements required by the LRHL, it included the goals and objectives for the area, and provided use and design standards to guide the redevelopment of the area. She stated the Redevelopment Plan was a portion of a larger area that had been designated and would be discussed in a subsequent phase. The 300 Executive Drive parcel was a single tax parcel; it was approximately 8.7 acres in area that included an office building of approximately 130,000 sq. ft. and associated parking lots. She stated there were very specific conditions that had to be met in a Redevelopment Plan; it was really a hybrid of a Master Plan and a Zoning Ordinance. She stated a Redevelopment Plan was adopted by ordinance but had components of a Master Plan in terms of goals and objectives including land uses and building requirements. She gave a brief recapitulation of the statutory requirements governing a Redevelopment Plan. She stated the 300 Executive Drive Redevelopment Plan included each of the requirements, as applicable. She stated the existing zoning of the site was in the OB-1 Office Buildings Zone. She stated the OB-1 Zone permitted a number of permitted principal uses that included offices; there were also a number of permitted conditional uses associated with the Zone. She gave a brief summary of the bulk requirements for the OB-1 Zone. She stated the goal of the Redevelopment Plan was to encourage and support the modernization of the interior and exterior of the outdated office building at 300 Executive Drive constructed in the 1980s. She stated the building was old and needed to be upgraded. She stated some of the objectives of the Redevelopment Plan were to improve the exterior façade of the building to reflect a modern aesthetic and enhance its marketability, remodel the interior to provide brighter, more open, more desirable floor plan layouts, expand and improve the onsite amenities to include building a new cafeteria, modernize the mechanical equipment and utilities for better efficiency and enhanced quality, provide a desirable space in the competitive office building market, and enhance the environmental and economic sustainability of the property. She stated the Redevelopment Plan proposed to retain the OB-1 Office Buildings Zone. The permitted uses would remain the same as the permitted uses in the Township OB-1 Office Buildings Zone District. The Bulk Standards would remain the same as the Bulk Standards for the OB-1 Office Buildings Zone. She stated that any deviation in the redevelopment plan standards that would result in a "D" variance would require an amendment to the plan.

Ms. Gruel stated the Township's most recent Master Plan Reexamination was completed in 2010; there were a number of recommendations that were consistent with the Redevelopment Plan, especially as it related to economic development. She stated the Redevelopment Plan was consistent with the State Development and Redevelopment Plan (SDRP).

Ms. Gruel concluded her testimony.

Council President McCartney asked for clarification regarding the affordable housing growth share ratio; would there be an obligation for non-residential housing. Ms. Gruel stated there was a State requirement, (2 ½ percent), associated with non-residential development based purely on the value; the requirement would go in to the Township's Housing Trust Fund.

Captain Keigher asked Ms. Gruel to confirm the plan was to rehabilitate the office building only; there would be no other uses. Ms. Gruel stated there would be no other uses for 300 Executive Drive.

Mr. Trenk asked if there would be a need to expand the existing office space for additional office space. Ms. Gruel stated it was too early to tell if there was a need for additional space; however, the developer could technically expand the office building, it was a relatively large lot.

Vice Chairman Weston stated that in her opening remarks, Ms. Gruel had indicated the Council had requested the Board engage her to prepare the Redevelopment Plan. He stated he wanted to clarify that the Township's governing body had authorized the preparation of the Redevelopment Plan; the Board had been tasked with reviewing the completed Plan, and sending its recommendation to the Council. He stated the Board was within its forty-five day review period. Ms. Gruel stated there were two statutory options; either the governing body prepares the draft Redevelopment Plan and asks the Board to review and recommend, or the governing body requests the Board prepare the Plan. She stated it was her understanding that in this instance, the Council had asked the Board to prepare the draft and then send it to the Council for approval. Mr. Weston stated the Board had not created the Redevelopment Plan; the distinction was important. Mr. Dwyer stated it was his understanding that it was usually a function of the Board to prepare the draft Redevelopment Plan. Vice Chairman Weston stated he was somewhat surprised the first phase of the Redevelopment Plan was effectively keeping the current use and zoning for 300 Executive Drive; the Plan was essentially a refurbishing of the office building. Regarding the pending legal matter, he opined that if the Court ruled against the designation; the property owner could yet use the Plan to refurbish the existing office building. He stated it appeared the office building square footage was approximately 32% of the entire complex; an office building designation as part of a larger mixed-use development was a good use for the area. It was consistent with the goals of Township's Master Plan. He clarified that the Redeveloper for 300 Executive Drive would still be required to submit to the Board an Application for Site Plan approval. Ms. Gruel concurred.

Mr. McPherson asked for clarification regarding the State Strategic Plan “Spatial Efficiency” principle. Ms. Gruel stated the State Strategic Plan of 2012 was never formally adopted; however, the Redevelopment Plan did meet the goals of the “Garden State Values” of the State Strategic Plan: (1) prioritize Redevelopment, infill, and existing infrastructure, (2) increase job and business opportunities in priority growth investment areas, and (3) create high-quality, livable places. Mr. McPherson asked if there was concern about how the Redevelopment Plan would fit in with adjacent municipalities. Ms. Gruel confirmed the property was centrally located, it did not border adjacent municipalities; there were no underlying issues to consider.

Chairman Bagoff asked if there were currently any larger plans for the site; was this plan just an effort to start the redevelopment process. Ms. Gruel stated it was her understanding that the 300 Executive Drive plan was Phase I, of a larger Redevelopment Plan her firm would prepare in the future.

The Public Advocate had no questions for Ms. Gruel.

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

Norman Turner, 675 Mt. Pleasant Avenue, West Orange

Sally Malanga, Ridge Road, West Orange

Robert Daniel, Buckingham Road, West Orange

Kevin Malanga, Ridge Road, West Orange

Robert Rashkes, 35 Oak Crest Road, West Orange

In response to questions from the Public, Ms. Gruel stated the municipality had many tools under development. The provisions included traditional zoning rules, an Area in Need of Rehabilitation designation, and an Area in Need of Redevelopment designation. One of the reasons to designate an Area in Need of Redevelopment was to be pro-active; to “make things happen”. Under the context of a Redevelopment Plan, there was nothing inconsistent with using the tool to upgrade the office building, which was an objective of the Township’s Master Plan. The Township had determined the Redevelopment designation was the best tool for the property. Ms. Gruel stated she had not been involved in the first phase of the Redevelopment, the Redevelopment Study, nor had she evaluated the Study; the governing body designated the property an Area in Need of Redevelopment. Her firm drafted the Redevelopment Plan, the second phase in the Redevelopment process. The Plan addressed the goals and objectives of the Township’s Master Plan and surrounding region. Ms. Gruel stated her firm was hired to prepare the Phase I Redevelopment Plan for the office complex. She clarified that the \$35,000.00 allocated by the Township’s governing

body was for entire the Redevelopment Area, not just the property located at 300 Executive Drive. She did not know why the Township did not request a Plan for the entire Redevelopment Area. She was not asked to consider the Township's Animal Shelter, Public Works facilities senior housing or affordable housing. She stated that if adopted, she would not recommend any standards other than those in the Ordinance. The Plan discussed upgrades to ADA accessibility, landscaping and other sustainability elements that a subsequent Site Plan Application would address. She reiterated that a Redevelopment Plan was essentially a hybrid of a Master Plan and Zoning Ordinance; it was the document the Board utilized to determine the details of a Site Plan. She opined the Redevelopment Plan was complete enough for the Board to make a determination to move forward or make recommendations for modifications. She stated the Redevelopment Plan was statutorily complete. She stated she had been involved with a number of redevelopment plans that addressed a single parcel within a designated area. She stated the Redevelopment Plan had not been reviewed by other Township entities prior to review by the Board. She stated she and her associate, John Barree, had made a site visit to the property; they had examined the exterior of property only; they had not visited the building interior; they did not meet with any existing building tenants or the property owner. She stated she had not met with any Township employees or professionals regarding the property. She stated a representative of the property owner had emailed the renderings to her associate, Mr. Barree; she could not recall the name of the representative. She stated she believed her associate had discussed the Redevelopment Plan with the Township Attorney acting on behalf of the Township's governing body. She reiterated the Redevelopment Law permitted a Redevelopment Plan for one parcel within the larger designated Area; she stated there would be a Redevelopment Plan for the other parcels. Ms. Gruel stated she had not read Mr. Grygiel's Redevelopment Study or reviewed a draft Redevelopment Plan prepared by Mr. Grygiel; she opined both were irrelevant to her task. Ms. Gruel stated she was aware of the circulation plan amendment to the 2010 Master Plan Update; she stated the Plan did not include a specific proposal regarding connectivity within the entire Area in Need of Redevelopment.

Chairman Bagoff announced a brief recess at approximately 9:00 P.M.; he reconvened the meeting at approximately 9:06 PM.

Chairman Bagoff asked the Public if they had comments on the Redevelopment Plan.

The following members of the Public approached the podium and were sworn in under oath:

Robert Rosenzweig, 148 Marion Drive, West Orange

Joyce Rudin, 38 Woodland Avenue, West Orange

Norman Turner, 675 Mt. Pleasant Avenue, West Orange

Rosary Morelli, Ralph Road, West Orange

Sally Malanga, Ridge Road, West Orange

Kevin Malanga, 57 Ridge Road, West Orange

Harvey Grossman, Esq., Public Advocate

There were no further comments from the Public.

Chairman Bagoff closed the public hearing; the Board deliberated.

Vice Chairman Weston stated the Board heard many questions from the Public concerning the Redevelopment process, but few specific questions about the parcel. He stated he understood the Public skepticism about redeveloping just one parcel; he agreed he would like to see a comprehensive Plan for the entire Redevelopment Area. He likened the Plan to the Redevelopment Plan for the former Organon site. He opined the office building was the most viable of the Executive Drive properties; he recommended approving the Plan to keep the Office Building Zone and improve the existing building. He stated (the property owner) would come back before the Board with a detailed site plan application for the property. He stated he saw no harm in approving the Plan for office building improvements based on the commercial and economic benefits Ms. Gruel discussed in the draft Plan. He stated the Board should add specific language; the Redevelopment Plan should follow all recommendations of the most recent version of the 2010 Master Plan Sustainability Element, Complete Streets and Circulation Element. The Plan should discuss connecting the Executive Drive parcel(s) with the rest of the parcels designated in the Redevelopment Area. Council President McCartney stated she was surprised the Plan was for just one parcel; however, it did represent an excellent start to Redevelopment of the entire designated Redevelopment Area. Captain Keigher stated he was not comfortable with moving forward with just one parcel without knowing the Plan for the entire Redevelopment Area. He stated he did not understand why the Board was considering a Plan for just one office building; he opined the Board needed more information before moving forward; he wanted to see the entire Plan to see how this one component fit in to an overall Redevelopment Plan. Mr. Trenk stated he agreed with Council President McCartney; the Plan would start the Redevelopment process of the entire area; the Plan would permit an existing office building to attract new tenants and bring new tax rates to the Township. Mr. Wegner stated he was not comfortable without seeing the entire Plan for the Redevelopment Area, the associated costs, and impact to the taxpayers. Mr. Cardoza acknowledged the concern of the Public; he stated he agreed with Vice Chairman Weston's suggested revisions. He opined the Plan met the statutory requirements under the law. Mr. McPherson stated updating the office building was a smart Redevelopment Plan; he acknowledged the Plan was just one piece of the overall Redevelopment Area; including the revisions suggested by Vice Chairman Weston, he was comfortable with the Plan.

Chairman Bagoff addressed the Public; he stated this was not the first time the Board had considered a Redevelopment Plan. He gave a brief recapitulation of the steps involved in the process of formulating and adopting a Redevelopment Plan. He stated that at each step in the process the Public was permitted to comment. He noted the Downtown Main Street, Organon and Valley Residential Redevelopment Plans had been adopted in segments. He advised the Public that Ms. Gruel did not view the inside of the office building because it was not required under the law. He stated that after a Plan had been adopted, a detailed site plan application would still be required to be heard by the Board.

Vice Chairman Weston recommended Ms. Gruel revise the Plan to include changes focused primarily on including sustainability and green design features, and specific circulation standards consistent with the Township Master Plan including sidewalks, ADA compliancy, and Complete Streets measures. He suggested the recommendation also include a statement that going forward, the Board see a comprehensive Plan for the rest of the Redevelopment Area before considering sending any further recommendations to the Council.

Chairman Bagoff thanked the Public for their participation.

The Board voted on the Recommendation

Motion: Vice Chairman Weston

Second: Mr. Cardoza

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

MEETING ADJOURNED at approximately 9:43 P.M.

Minutes adopted September 5, 2018.



Robin Miller, Secretary
Township of West Orange Planning Board

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