

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
May 1, 2019**

The Township of West Orange Planning Board held a regular meeting on May 1, 2019, at 7:30 P.M. in the Council Chamber, 66 Main Street, West Orange, New Jersey.

Chairman Weston 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 Weston requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

The next Planning Board regular meeting will be June 5, 2019 in the Council Chamber at 7:30 P.M.

*Application PB-19-02/Sonria Kitchen LLC that was scheduled to be heard at this meeting has requested to be carried over and adjourned to the Planning Board regular meeting scheduled for June 5, 2019 at 7:30 P.M. No further notice will be required.

ROLL CALL

PRESENT: Robert Bagoff
Everett M. Johnson (7:48 P.M.)
Captain Michael Keigher
Lee Klein
Councilwoman Susan McCartney
Andrew Trenk
Chairman Ron Weston
William Wilkes II
Tammy Williams

ABSENT: Vice Chairman John Cardoza
Gary Wegner

ALSO PRESENT: Paul Grygiel, AICP, PP, Township Planner
John J. Hess, PE, PP, CME, Board Consulting Engineer
Patrick J. Dwyer, Esq., Board Attorney
Robin Miller, Board Secretary
Harvey Grossman, Esq., Public Advocate
Susan S. Gruel, P.P., Heyer, Gruel & Associates

SWEARING IN

Township Professionals:

Paul Grygiel, AICP, PP, Township Planner

John J. Hess, PE, PP, CME, Board Consulting Engineer

RESOLUTION(S)

None

APPLICATION(S)

PB-19-01/44 Washington Street WO, LLC

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

44 Washington Street

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

Carried from the April 3, 2019 regular meeting.

EXHIBITS:

- A-1:** Site Lighting and Hardscape Plan, (Drawing No. SP-401), prepared by Nick Tsapatsaris & Associates, revised 4/2/19 as per CME Associates Review Memorandum;
- A-2:** Proposed preliminary First Floor Plan, (Drawing No. PA-101), prepared by Nick Tsapatsaris & Associates, revised 4/10/19 as Per Potential Tenant Criteria;
- A-3:** Proposed Preliminary Building Elevations, (Drawing No. PA-201), prepared by Nick Tsapatsaris & Associates, revised 4/16/19 as Per Client Design and Tenant Potential Layout.

DISCUSSION:

Lawrence Cutalo, Esq., O'Toole Scrivo Fernandez Weiner Van Lieu, LLC appeared on behalf of Applicant. Mr. Cutalo stated the Applicant was returning to the Board for amended site plan approval and one additional bulk variance. He stated the Board approved the initial site plan for a laundromat on July 11, 2018. The Applicant desired to reconfigure the footprint of the addition to the rear of the property from a rectangular to a trapezoid shape. The reconfiguration was to eliminate an encroachment on to the adjacent Wigwam Brook floodway.

Chairman Weston stated most of the Board had heard the Application within the last year; he suggested the testimony of the professionals primarily focus on the amendments to the plan.

Nick Tsapatsaris, PE, RA, Nick Tsapatsaris & Associates was sworn in, stated his professional credentials, and was accepted by the Board to be both an architect and engineer licensed in the State of New Jersey. Mr. Tsapatsaris stated the application was to amend the shape of the building. The building previously approved by the Board was square; the only change to the amended application was to reconfigure the shape of the building; a portion of the square had been sliced off and the building has been made a bit longer; as a result, the building was approximately 15 feet smaller. He stated that after the Board approved the previous application, the application had been submitted to the DEP (NJ Department of

Environmental Protection). The DEP stated the Applicant could not build in the floodway; the amended plan addressed the DEP decision. Mr. Tsapatsaris concluded his testimony.

The Board questioned Mr. Tsapatsaris on his testimony.

Mr. Grygiel noted the revised plan eliminated a variance from the prior approval.

The Public Advocate and Public had no questions for Mr. Tsapatsaris.

Gregory Oross, PP, was sworn in, stated his professional credentials and was accepted by the Board to be a professional planner licensed in the State of New Jersey. Mr. Oross testified to the request for variance relief.

The Board and Board professionals had no questions for Mr. Oross.

The Public Advocate and Public had no questions for Mr. Oross.

The Applicant had no further testimony on the Application.

The Public had no comments on the Application. Chairman Weston closed the Public hearing.

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 letters from Board Consulting Engineer John Hess, PE, PP, CME dated March 20, 2019 and from Board Planner dated February 12, 2019. Compliance shall be subject to the review and approval of the Board professional.
9. Applicant to submit revised plans within 90 days of adoption of this Resolution.
10. Applicant to comply with all conditions stated in the Resolution of approval dated July 11, 2018.

The Board voted on the Application as follows:

Motion: Chairman Weston

Second: Dr. Bagoff

Bagoff:	Yes	Wegner:	Absent
Cardoza:	Absent	Wilkes:	Yes
Keigher:	Yes	Williams (Alt #1):	Yes
Klein:	Yes	Johnson (Alt #2):	-
McCartney:	Yes	Weston:	Yes
Trenk:	Yes		

Mr. Hess left the meeting at approximately 8:06 P.M.

PRESENTATION/PUBLIC HEARING

Essex Green-Executive Drive Redevelopment Plan

Block 155, Lot 40.02; Block 155, Lot 40.03; Block 155, Lot 41.02;

Block 155, Lot 42.02; Block 155.21, Lot 40

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

Continued from the 4/3/19 regular meeting.

DISCUSSION:

Chairman Weston stated that at the April 3, 2019 regular meeting the Board had considered a redevelopment plan for Essex Green-Executive Drive. The Board had requested revisions to the original plan. Ms. Gruel was present to address the revisions.

Susan S. Gruel, PP, Heyer, Gruel & Associates approached the lectern and was sworn in under oath. Referring to the updated redevelopment plan dated May 1, 2019, Ms. Gruel discussed the revisions recommended by the Board.

The Board questioned Ms. Gruel on her testimony. The Board advised Ms. Gruel the revised plan did not include the request for an determined the revised plan did not include mention the specific recommendation that all applications for development be required to include a traffic impact study, an environmental impact study, and a community impact study. Ms. Gruel stated she would further amend the plan to include that specific wording.

The Public Advocate had no questions for Ms. Gruel.

Chairman Weston asked the Public if they had questions for Ms. Gruel.

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

Kevin Malanga, Ridge Road, West Orange

The Public had no further questions for Ms. Gruel.

Chairman Weston asked the Public if they had comments on the Board recommendations for the redevelopment plan.

Councilman Joe Krakoviak approached the lectern to question Ms. Gruel. After conferring with Mr. Dwyer, the Board determined to not consider formal testimony from the Councilman. Chairman Weston suggested the Councilman discuss issues related to the redevelopment plan with the governing body.

The Board deliberated on the recommendation. The Board and Ms. Gruel agreed the redevelopment plan would be amended to include the specific recommendation that all applications for development be required to include a traffic impact study, an environmental impact study, and a community impact study.

The Board voted on the recommendation as follows:

Motion: Dr. Bagoff

Second: Ms. Williams

Bagoff:	Yes	Wegner:	Absent
Cardoza:	Absent	Wilkes:	Yes
Keigher:	-	Williams (Alt #1):	Yes
Klein:	Yes	Johnson (Alt #2):	Yes
McCartney:	Yes	Weston:	Yes
Trenk:	Yes		

ORDINANCE UNDER REVIEW

2565-19 -An Ordinance Amending Chapter 25, Section 3.2 of the Revised General Ordinances of the Township of West Orange.

The purpose of this Ordinance is to revise the zoning designation of all or part of certain lots in Block 117 from B-1 Business to I Industry consistent with recommendations from the Township's Planning Director.

Mr. Grygiel gave a recapitulation of his memorandum dated March 4, 2019 recommending that consideration be given to adjusting the zone boundary between the B-1 Business zone

and the I Industrial zone in Block 117. Mr. Grygiel stated the change was consistent with the Master Plan.

The Board deliberated on the potential rezoning. The Board determined the proposed amendment was reasonable under the circumstances given the pattern of development within the surrounding area.

The Board voted on the recommendation as follows:

Motion: Mr. Johnson

Second: Mr. Trenk

Bagoff:	Yes	Wegner:	Absent
Cardoza:	Absent	Wilkes:	Yes
Keigher:	-	Williams (Alt #1):	Yes
Klein:	Yes	Johnson (Alt #2):	Yes
McCartney:	Yes	Weston:	Yes
Trenk:	Yes		

The Board voted to memorialize the recommendation as follows:

Motion: Mr. Johnson

Second: Ms. Williams

Bagoff:	Yes	Wegner:	Absent
Cardoza:	Absent	Wilkes:	Yes
Keigher:	-	Williams (Alt #1):	Yes
Klein:	Yes	Johnson (Alt #2):	Yes
McCartney:	Yes	Weston:	Yes
Trenk:	Yes		

Meeting adjourned at approximately 9:24 P.M.

Minutes adopted June 5, 2019.



Robin Miller, Secretary
Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY JULY 3, 2019 AT 7:30 P.M. IN THE COUNCIL CHAMBER.**