

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD SPECIAL MEETING
MEETING MINUTES**

January 6, 2021

The Township of West Orange Planning Board held its regularly scheduled meeting on January 6, 2021 at 7:30 P.M. via virtual ZOOM videoconference.

Vice-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

- Vice-Chairman Bagoff requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planning Board regular meeting will be February 3, 2021 at 7:30 P.M. on the ZOOM platform.

ROLL CALL

PRESENT:

Vice-Chairman Dr. Robert Bagoff; Jerry Guarino; Mr. Everett Johnson; Mr. Lee Klein; Councilwoman Susan McCartney; John McNair; Mr. Peter Smeraldo, Jr; Mr. Andrew Trenk; Mr. William Wilkes

ABSENT:

ALSO PRESENT:

Paul Grygiel P.P., AICP; Kenneth D. McPherson III, Esq.; John Hess, PE, PB; Sean McCauley

ANNUAL REORGANIZATION:

MEETING MINUTES:

Adoption of the November 17, 2020 Special Meeting Minutes:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

Guarino	New Member	Trenk:	Absent 11-17-2020
Johnson (Alt 1):	Y	Wilkes:	Y
Klein:	Y	Chairman Bagoff:	Y
McCartney:	Y		
McNair	New Member	6 yes; 3 unable to vote	
Smeraldo:	Y		

Swearing in:

- Messers Grygiel & Hess were sworn in

APPLICATION:

PB-20-01/EBA Kosher Markets, LLC (Carried from December 2, 2020)
Block: 152.22; Lot: 1412; 629 Eagle Rock Avenue;
Amended Site Plan seeking a “C” Variance for a Sign

- Application introduced by **Chairman Bagoff**; and introduced applicant’s attorney, **Steve Warner**.
- **Mr. Warner** introduced himself and discussed the purpose and history of the application; and clarified which variances are being requested.
- **Mr. Warner** introduced applicant’s planner, **Michael Tobia, PP**.
- **Mr. Tobia** sworn in and presented his qualifications.
- **Mr. Tobia** discussed the details of the application; Power Point’s eight slides accepted as Exhibits A-1 through A-8.
- A-1: aerial photo of site; purpose is to show lack of residential structures in the immediate area.
- A-2: west side view of Aron’s Market showing one side of the wing-wall sign in question.
- A-3: front view of Aron’s Market showing the wing-wall sign in question; additionally showing the three other signs on the front of the building.
- A-4: east side view of Aron’s Market showing other side of the wing-wall sign in question.
- A-5: street view at a distance from the eastbound approach.
- A-6: street view at a distance from the westbound approach.
- A-7: image of location in previous iteration as a CVS market.
- A-8: not shown nor discussed.
- **Mr. Warner** questioned **Mr. Tobia** regarding signage permissible by ordinance, and alternatives considered.
 - **Mr. Tobia** responded that the signs are within ordinance, and no alternatives are possible due to land restrictions.
- **Mr. Warner** inquired if the height of the signs was for safety purposes.
 - **Mr. Tobia** answered in the affirmative.
- **Mr. Tobia** testified that the signs conform to Land Use Laws and the town’s Master Plan; and that they are not detrimental to the community as the nearest residences are a distance away, and that there is a tree line between.
- **Mr. Tobia** suggested that the wing-wall may be considered a façade versus a roof sign.
- **Mr. Tobia** summarized his testimony.
- **Mr. Warner** also summarized the application.

End of board questions

Public Questions:

- **Jingyu Cui**, 23 Kenz Terrace

End of public questions

Mr. Tobia's testimony complete; no more witnesses

Public Comments:

- **Susan Rubright, Esq.**, building owner's attorney, recognized by **Chairman Bagoff**
 - **Ms. Rubright** stated that the owner is supportive of the signs
- **Jerry Eben**, 26 Walker Road
- **Chairman Bagoff** offered to ask **Mr. Warner** and **Ms. Rubright** questions from **Mr. Eben** after public comments closed.

End of public comments

- **Chairman Bagoff** asked **Ms. Rubright** about maintenance of the back of the building and coming into line with conditions from the CVS approval.
- **Ms. Rubright** expressed confidence that the landlord and tenant will comply.
- **Mr. Warner** also stated that the conditions will be met by the landlord and/or tenant.
- **Mr. Klein** inquired about enforcing the conditions.

Conditions:

- **Chairman Bagoff** suggested that all conditions imposed on CVS in 1992 should be met
- Adding giving 30 days to bring any designs for a garbage enclosure to **Mr. Grygiel**.
- **Councilwoman McCartney** requested that there be a condition on a time frame for coming into compliance with conditions.
- **Mr. Grygiel** agreed.
- **Chairman Bagoff** further suggested that after the 30 days, another six-month limit be imposed to come into compliance; and any delays would need approval.
- **Mr. Warner** offered a six-month from today limit.
- **Dr. Bagoff** added that any current violations are not protected since the conditions of approval go back to 1992.
- **Dr. Bagoff** offered conditions that lighted signs be turned off a half-hour after closing; closing time usually being 9:00PM; a sign permit needs to be applied for within 30 days; window signs may not exceed 25% of window space; excess debris in back be cleaned up in ten days, and maintained in perpetuity; and that any approval of the sign be to the business and not the building.
- **Councilwoman McCartney** suggested completing the sidewalk on the west side extending to the rear of the building, and addressing the completion of an ADA ramp to reach into the parking lot.
- **Chairman Bagoff** suggested that all ADA compliance standards be met.
- **Chairman Bagoff** requested that an updated site plan be provided within 10 days.

- **Mr. Guarino** asked about addressing landscaping cited in the 1992 CVS approval in the rear of the building.
- **Mr. Warner** requested that the variance be considered on signs above two, as was approved for CVS, instead of one, as is stipulated in the ordinance.

Roll Call Vote, PB-20-01/EBA Kosher Markets, LLC:

Motion: Chairman Bagoff

Second: Mr. Smeraldo

Guarino	Y	Trenk:	Y
Johnson (Alt 1):	Y	Wilkes:	Y
Klein:	Y	Chairman Bagoff:	Y
McCartney:	Y		
McNair	Y	9 yes	
Smeraldo:	Y		

MEETING ADJOURNED at approximately 9:42 PM. Called by **Dr. Bagoff** Seconded by **Mr. Klein**.

Adopted: 4/7/2021


~~Sean McCauley~~ Diana L. Chandler
 Township of West Orange Planning Board