

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
MEETING MINUTES
April 7, 2021**

The Township of West Orange Planning Board held its' regular meeting April 7, 2021 at 7:30PM via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 7:34 PM. 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 held **Wednesday May 5, 2021 at 7:30 P.M via ZOOM.**

ROLL CALL

Present: Chairman Dr. Robert Bagoff; Mr. Jerry Guarino; Councilwoman Susan McCartney; Mr. John McNair; Mr. Peter Smeraldo, Jr; Mr. Andrew Trenk; Mr. William Wilkes

Absent: Mr. Lee Klein

Also Present: Kenneth D. McPherson III, Esq., Attorney; Diana Chandler, (Proxy for Sean McCauley), Planning Board Secretary

ADOPT MINUTES

- Adopt Minutes from January 6, 2021 Regular Meeting, January 20, 2021 Special Meeting, and February 3 2021 Regular Meeting

Adopt 1/6/2021 Meeting Minutes:

Motion: J. Guarino

Second: R. Bagoff

ADOPTED

Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Trenk:	Y
Johnson:	Y	Wilkes:	Y
Klein:	NA		
McCartney:	Y		
McNair:	Y		

Adopt 1/20/2021 Special Meeting Minutes:

Motion: R. Bagoff

Second: S. McCartney

ADOPTED

Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Trenk:	Y
Johnson:	NA	Wilkes:	Y
Klein:	NA		

McCartney: Y	
McNair: Y	

Adopt 2/3/2021 Special Meeting Minutes:

Motion: R. Bagoff

Second: J. Guarino

ADOPTED

Bagoff: Y	Smeraldo: Y
Guarino: Y	Trenk: Y
Johnson: NA	Wilkes: NA
Klein: NA	
McCartney: Y	
McNair: Y	

SWEARING IN:

- *Ms. Susan Gruel, P. P.* was sworn in
- *Mr. Paul Grygiel* was sworn in

APPLICATIONS

1. PB-19-09/732 Eagle Rock Avenue, LLC

(Resolution Adopted April 4, 2020)

Block: 177; Lot: 26; Zone: R-4

732 Eagle Rock Avenue

Seeking minor subdivision and variance approvals to create two lots

DISCUSSION:

-*Mr. McPherson* addressed the Board about how the applicant is seeking to modify Condition E of the Resolution passed on original application April 4, 2020. Condition reads "Existing dwelling must be renovated prior to the issue of Certificate of Occupancy. Modification of prior Condition:

- *Chairman Bagoff* reminded Public that Condition change is the only thing we will be hearing in regards to this application.

-*Mr. Peter Smeraldo* point of order before application is fully heard. He was absent and wanted to have on the record that he reviewed all information and audio transcription and while didn't vote on particular application, he is prepared to do so this evening.

- Attorney for applicant, *Mr. James Parisi Esq.*, explained that due to the dilapidated condition of the Foundation of the existing dwelling, it is not suitably safely for a two story dwelling. Upon exposing existing surface of the foundation the architect determined that it is not suitable for renovation and needs to be demolished completely and a new foundation be installed. As a result applicant applied to Construction Dept for a demolition permit however, were denied on basis of condition to the Resolution which did not allow for the demolition of the existing structure. On January 29, 2021 a letter was submitted to *Mr. McPherson* asking for relief from this condition. Together with the letter *Mr. James Parisi* submitted a report from Architect, *Mr. William J. Martin* regarding his professional opinion on the condition of the foundation. In support of client's request for a demolition permit.

- *Mr. William J. Martin* was sworn in by *Mr. McPherson*, entered on the record and qualified himself to Board as an Architect. He then submitted letter dated December 1, 2020 addressing issue before Board and attached to letter were photographs. He visited the property in question twice (October 8, 2020 and October 12, 2020). There are several structures on property. Main focus on living space. After October 8, 2020 visit, *Mr. Martin* requested *Ms. Stanziale*

(Applicant) to do some selective demolition to expose interior areas of the foundation because he found some inconsistencies on what he could see on the finished side of the foundation. On October 12, was told by Applicant that was done and returned to view results. Found many issues of concern. First. The foundation fixed /modified at many different times and sections. Original foundation which is approximately 50% of what is there in terms of the coverage is approximately 100 years old. It is made of a rubble stone and some brick work mixed in as well. Older part of the structure is uneven. There is also a secondary section of the stone that appears to be a part of an addition added to the rear in concrete block material. In his opinion, no way to determine a proper footing under this stone of this foundation is unsuitable as age has loosened the mortar and doesn't appear to be done by a professional Mason and does not present itself like a professional Masonry installation. Gives concerns to stability and especially its ability carry the roof loads and floor loads to support floors above and or used as foundation for the house itself. If does by a professional we would not see the inconsistencies that he saw when there. Basement structure is out of square. *Mr. Martin* referenced irregularities in pictures of the aforementioned letter. Main opinion of this property is that, "It is unsuitable to support additional floors above." *Mr. Martin* summed his presentation up with that if this property was demolished and foundation and every aforementioned thing remedied it could another user/resident of West Orange at this location.

BOARD QUESTIONS:

-*Councilwoman Susan McCartney* asked if the new foundation was poured, will it change the footprint of the property. *Mr. Martin* responded that he was unsure.

-*Councilwoman McCartney* asked *Chairman Bagoff* if that would change any of the other conditions that are in this original application. *Chairman Bagoff* deferred to *Mr. McPherson* said the applicant would stay have to comply with the other conditions which anticipate that the footing would remain the same for the new structure. *Mr. James Parisi* interjected that based on his understanding during a conversation with *Mr. Marucci*, when he created the subdivision plans (the ones that were approved by the Board previously) he took into consideration in the event that the old house would have to be removed without requiring variances he doesn't think it's exactly the same but that it will be substantially similar.

-*Chairman Bagoff* asked *Mr. McPherson* that if Board grants an amendment in relief and applicant changes the footprint of the building or would they have to come back before the Board or would they have to hear this tonight? *Mr. McPherson's* reply was that the variance was granted because of the anticipated/existing footprint of the building so that would have to be another consideration because it would go against the variance and proposed that Board hears from *Mr. Marucci*. *Councilwoman McCartney* said that opening this to a larger discussion was not her intention, but she doesn't want it to effect the other conditions.

-*Chairman Bagoff* asked in the original Resolution was there a Site Plan offered (Preliminary/Final)? *Mr. McPherson* responded that there was not. *Chairman Bagoff* said if there weren't Preliminary/Final Site Plans, it would just be for the subdivision of the land and renovation of the house. *Mr. McPherson* added with a variance to improve the quality of the land.

-*Chairman Bagoff* said that if they would have to have a new Site Plan then and come back before us and if any variances, if no new variances they could just go to Building Department if it falls within the code. *Mr. McPherson* answered in the affirmative. So because of that, the Board does not need to hear from *Mr. Marucci* as the Site Plans and Subdivision are not part of this existing Application. *Chairman Bagoff* deferred to *Mr. James Parisi* and he responded that it made sense that the new structure would be conforming to the Zoning Ordinances and would not require any additional variances and can work directly with the Building Department. *Mr. McPherson* agreed stating that it would then be variance from this Resolution. *Mr. Parisi* confirmed that only

variance was required was in regards to the frontage and was in the lot that did not have the existing structure. *Mr. Parisi, Mr. McPherson and Chairman Bagoff* were in agreement that as long as it is 100 % conforming they would not have to appear before the Planning Board again.

- *Mr. Peter Smeraldo* asked *Mr. Martin* about the loads of the roof and the floor in regards to the impact floor and clarification that once occupying would have great impact there on this particular structure. *Mr. Martin* responded that when he was referring to the loads he was referring to the live load and the dead load of the structure above sitting on what appears to him to be an unsuitable foundation.

- *Mr. Smeraldo* followed up in reference to the age of the foundation that it has been subjected to the elements (i.e. water damage and things of that nature) especially if you're saying it's poorly constructed. *Mr. Martin* confirmed that there is indeed water damage that is visible in the mortar between the stones and the bricks that are there. This damage is part of why he feels it is unsuitable for purposes of the structure above.

- *Mr. Smeraldo* asked for confirmation that elements could cause foundation to expand and contract seasonally. *Mr. Martin* said if the foundation had been constructed correctly in the first place, (and just because it's 100 years old doesn't mean it's unsuitable) in this particular case the construction material and methods of construction were so poor and the water damages to the mortar of those factors on this site leave him to conclude that this foundation is unsuitable to support a rehabilitated structure. If someone were to do that, it could put the occupants in peril.

PROFESSIONALS QUESTIONS:

-No questions from Board Professionals.

PUBLIC COMMENTS/QUESTIONS:

QUESTIONS:

- *Ms. Alyse Lillis* (726 Eagle Rock Avenue) asked in concern if the preexisting, and or new plan of proposed dwelling will attach the garage or not attach the garage. When it was discussed a year ago, her concern was the water going to run off to her property so once again she's concerned about the runoff and whether the new construction is going to adhere to the blueprint. She also wanted to know if there were other plans in store for her property. *Chairman Bagoff* questioned whether there was testimony to what the new structure would look like but that it would conform to the Building Codes in the Township. *Mr. McPherson* followed that he would like to note that Condition or finding a Fact in the Resolution that the applicant would provide a Stormwater Management Plan/Report. He believes that has been done already but asked for *Mr. Martin* or *Mr. Parisi* to follow up with that. The idea would be to remain in conformance with the prior approval. *Mr. Parisi* answered in the affirmative and proposed that if necessary he could bring on his Engineer. *Chairman Bagoff* followed this comment stating that if the Stormwater Management Plan/Report was a part of the application, there is no need for the additional testimony. *Mr. McPherson* agreed with *Chairman Bagoff's* remark. *Ms. Alyse Lillis* stated that the runoff has already changed. Once all of debris was taken off of 730, the vines that were climbing on top of all the dead wood there's nothing holding back the water anymore. For example she watched a backhoe from 730 sink into the mud as there's nothing holding back the water anymore. It is all swilled to the back of the property.

- *Chairman Bagoff* asked *Mr. Parisi* if the Stormwater Management Plan has been started yet. *Mr. Parisi* responded that he was not positive. *Mr. McPherson* suggested to defer to *Mr. Marucci*.

No Further Questions from Public

COMMENTS:

-*Mr. Drew Lillis* (726 Eagle Rock Avenue) commented about the Resolution specifically few of the items that were not addressed about the construction that is currently taking place. *Chairman Bagoff* reminded *Mr. Drew Lillis* that the Board is only talking about the demolition portion of the application. *Mr. Drew Lillis* replied that *Mr. Parisi* stated that all other aspects of Resolution would be followed. However, they have not been followed so it contradicts what he has just stated. *Mr. McPherson* agreed that since it is a comment, *Mr. Lillis* can continue. *Mr. Lillis* referenced Page 3 Item B "Existing wooded areas would have minimal tree removal and would not disturb the existing buffer of tree lines. If we receive prior and post conditions. They have removed numerous trees and underbrush as we have no buffer over that location. He also referenced Page 4, Section 2 A that the Applicant should apply for a Township Tree Removal Permit, he does not believe one was ever applied for. Has spoken to the Forester, and when he went to the site, he was told they could remove small trees, but did not know about the buffer at the time when he was there. *Mr. Lillis* continued on D, where he mentioned the proposal and application of a Stormwater Management Plan where grading plans needed to be submitted for review by the Township Engineer. Again, significant work has been done on the site but there is no one who has been aware of them taking care of that. *Mr. Lillis* continued on F, the applicant must maintain a 20 foot tree buffer which has all been removed. *Mr. Lillis* referenced on L, the applicant should take any action preventing a disturbance to the tree buffer. It was important in the original meeting, yet most of it has been removed. *Mr. Lillis* continued on M, the applicant should obtain all permits prior to commencement of development activity. *Mr. Lillis* knows that applicant has not gotten a County Road permit and have cut off the gas, sewer, water, and has disturbed most of the site which anything over 5,000 feet which requires a permit. They have installed a fence, where again *Mr. Lillis* states that it has not been done properly, but it is onsite. There were a bunch of conditions there were approved that the applicant said they would follow, but haven't that needed to be addressed. *Chairman Bagoff* addressed *Mr. Parisi* and Applicants saying that proceeding how this evening goes will move forward from there. *Mr. Parisi* agreed.

Mr. William J. Martin testimony is concluded.

- *Mr. Anthony Marucci* was sworn in by *Mr. McPherson*, entered on the record and qualified himself as an expert Professional Engineer and Planner. *Mr. Parisi* had *Mr. Marucci* start his testimony based on the Stormwater Management Plan. *Mr. Marucci* interrupted to be completely honest with the Board saying that he has not been out to the site in over one year since the survey was complete. Does not know what work the applicants have done, but have not done a grading plan yet. In order to build a new house, they have to give him a plan for that from an architect and they would do the grading plan. That's when in the chain of everything that they would do the Stormwater Management Plan. That is also where they get the soil erosion permit from Hudson Essex Conservation District in order to get permits to build the house. That part has not been done yet. If there is a problem with drainage it is because it's existing. A grading plan has been done yet. With respect to existing house, when subdividing the property he made a point to have that lot complete conforming with lot width and area. So in the event that the existing house, when looking at the outside of the house, it was in a state of disrepair but he did not go in as that is not part of the agreement with the applicant. If Board takes that condition off, and a new foundation is put there, his company will do a Stormwater Management Plan for that property as well going through the same process.

BOARD QUESTIONS:

-*Councilwoman Susan McCartney* asked how do we address the tree removal and any type of run off? *Chairman Bagoff* deferred to *Mr. Marucci* where he shared that right after the meeting regarding this application, he got COVID-19 and was out of work for seven months. Never saw the Resolution when it was adopted, or he would have commented at that time. Defers to applicants in regards to tree

removal. Cannot comment as he has not witnessed it. *Mr. Marucci* reiterated that once he is given plans for new house created lot, will do Reports and Permits at that time. *Chairman Bagoff* asked *Mr. McPherson* that any tree removal would be based on the previous Resolution and it is subject to review by the Zoning Official. *Mr. McPherson* affirmed this statement and made a suggestion to the Board that they ask the other Board Professionals as well.

-*Councilwoman McCartney* asked for clarification that if this is in the hands of the Zoning Official, is there a status on what that is? How do we protect the homeowners or address the issue that was just raised. How do mediate what is happening to the other residents? *Chairman Bagoff* said that whatever the conditions of the Resolution were in 2020 the applicant has to fulfill that. If there's any variance from that the Zoning Official will be the person to review it and address the issues. *Chairman Bagoff* said that Zoning Official is in meeting and will receive information by the end of the week to look into this and see what was done. *Mr. McPherson* wanted to add that before the applicant can get a Certificate of Occupancy, the other conditions still have to be met.

-*Mr. Jerry Guarino* asked for clarification that before *Mr. Marucci* can do another water analysis and analysis, does a new foundation need to be done first? Or does he need the plans for the structure? *Mr. Marucci* responded stating that he needs the plans for the structure first to be sure that it meets all the setbacks/footprint of the house. Those plans would include a new foundation.

No Further Board Questions

No Questions/Comments from Public

Testimony Closed in regards to this application.

PB-19-09/732 Eagle Rock Avenue, LLC:

Motion: R. Bagoff

Second: E. Johnson

MOTION CARRIES

Bagoff:	Y	Smeraldo:	Y
Guarino:	NA	Trenk:	Y
Johnson:	Y	Wilkes:	Y
Klein:	NA		
McCartney:	Y		
McNair:	NA		

Chairwoman McCartney voted "Yes" on the need for a new foundation and other outstanding issues are addressed.

BREAK FROM 8:25-8:31pm

2. PB-20-03/The Alpert Group, LLC

Block: 9; Lots: 32, 36; Zone: Central Valley C; 8-10, 18 Central Avenue; Preliminary and final site plan approval with variances

DISCUSSION:

-*Mr. William Sullivan, Esq.* entered on the record for the Applicant. He explained that all of these lots in question are currently owned by the Township of West Orange and located in the Central Avenue redevelopment area which is subject to an agreement executed between the Township

and the Applicant. *Mr. Alpert* and his company have been trying to get this development up and running for thirteen (13) years. After all improvements made, they are now ready to move on to the next phase to construct 94 apartments in a five story building with some first floor commercial and amenity space. Applicants need to comply with the Redevelopment Plan or seek relief from the Board. The applicant is seeking for approval in regards to four deviations from the plan. Building height minimum unit size for some of the building units, non-building area, and minimum landscape buffer in one small area next to a residential use.

-*Mr. Sean Savage* was sworn in by *Mr. McPherson* and entered on the record. He qualified himself as an expert and was accepted. *Mr. Savage* then proceeded to explain/discuss the existing conditions to the proposed new site development. First, he brought up plans dated February 23, 2021 (Sheet 3 of 15) (**Exhibit A1**). He reiterated that the applicant is looking to add 94 residential units in the "L" shape of building. There is also approximately 3,500 square feet of commercial space which will be fronting on Central Avenue.

-*Mr. Savage* touched on parking with full access in and out from Central Avenue and Mitchell Street. The parking area proposed is 103 spaces. There was a comment in review about a miscalculation and the intention is to revise the plan and get it to the 133 spaces that was mentioned on the site plans. In addition to the 94 units, the requirement for the parking is one space per unit and they are also providing 22 spaces designated for public parking with another 17 spaces for a second project that will be utilized by a second project located on Tompkins Street (near Mitchell Street entrance).

- *Mr. Savage* then showed "Truck Turning Plans" which were not submitted as part of the submission package and dated February 16, 2021 (**Exhibit 2**). This explained a turning and coming down Central Avenue entering the site and circulating through the parking lot along where the building would be and then back out to Mitchell Street to demonstrate that this vehicle can make those turns.

- *Mr. Savage* proposed sidewalks along Central Avenue that would lead up to the residential spaces and doors leading to the commercial portions of the building and another walkway in regards to the trash enclosure. He then went on to explain about the trash compactor room and how a container will be wheeled out towards the curb line then be picked up, so no garbage trucks are anticipated in that area. They also propose some bike parking as a part of the Central Avenue area.

- *Mr. Savage* also referenced the Grading Plan of the submitted Site Plan- Sheet 4 of 15 (**Exhibit A3**) that this site is in a flood zone and elevation varies as it goes towards Central Avenue. So site and stream that are heading towards the East, creates a fluvial flood site condition and Applicant has to comply with the requirements according to the DEP. In order to do that they need to be careful with how they grade this site can't elevate it too much because they have to balance that. In order to accommodate flood like conditions in the South East are of the Site Plan is going to be open so flood waters can flow freely to compensate flood elevation. All residential areas had to be elevated as well to work with the flood like elevation requirements. All commercial areas are below the flood line area but are going to be completely treated so no damage can come their way on the other side of the building. The flood line follows the property line and runs on the edge of the site. According to the DEP because of it being residential, can be more than 1 foot below the elevation, although most of the parking is close to or even in areas below the flood line elevation. DEP permits have been submitted. Proposed drainage system utilizing onsite pipes in the basin. Pipes are acting an underground storage sewage system and are being treated like a detention system. In regards to the storm water, because of the site they don't trigger or feel need to address water quality. Site is contaminated and under remediation and is not a site for recharge to the contamination and the information received from the DEP through the soil as well. Site will also be capped part of building, pavement, soil in regards to Green Infrastructure. *Mr. Sullivan* brought up the bicycle rack and added that they will be adding an electric charging station as

well. *Mr. Savage* confirmed that this will take place off the electrical room but having it be "electric vehicle ready". Meaning the tenant requires the space/supplier to be available and installed.

- *Mr. Sullivan* then brought up lighting and landscape (**Exhibit A4**) Landscape Plan (Sheet 8 of 15) where they are planting trees where they can on the side and in the front closer to the building. There are also a number of shrubs (of evergreen variety) to block headlights. In regards to the buffer, instead of five (5) feet in the variance, this design shows/requires them to use four (4) feet. The absence of that one foot does not change the effectiveness of the screen as the parking spaces intended will be sideways instead of longways.

- *Mr. Savage* then entered **Exhibit A5** (Sheet 9 of 15) in regards to the Lighting Plan. Where different methods of the lighting are shown in the design of wattage and how they are displayed (ie: pole mounted, wall mounted, and in the different designs and patterns.) basically just a little shield that comes down behind that that light fixture to just even further direct that light back onto the site so the light spilled would be negligible to nonexistent here you know those ever those plantings here that will start growing obviously and so the lighting and then there's a number of existing lights out here along those streets that show isolated patterns just to kind of show that you know these frontages are also live by these existing public lights and then it'll be some other lights that we don't show in our plans and would refer to architectural lighting near the entrances and things like that that will provide more light for the entrances. *Mr. Savage* brought updirectional in terms of light versus metal lights but then in addition these lights are going to have house shields which basically cut off the light data that would shine back behind that that light fixture to just even further direct that light back onto the site so the lights village here we would think it be negligible to nonexistent here and then there's also plantings that will start growing obviously and there's a number of existing lights along those streets that that we just kind of show those isolates patterns just to kind of show that you know these frontages are also live by these existing public lights and then they'll be some other lights that don't share plans and referred to Architectural lighting near the entrances and things like that that will provide more light for the entrances locations.

-*Mr. Parisi* mentioned the deviation to the landscape and *Mr. Savage* followed up his prompt by expanding 20% non-buildable area for site we have 14.3% before that and so given this site currently has the one of the buildings along lot 32 that is still existing. Then there was the larger building that took up a lot of Lot 36 which has a lot of pavement

-*Mr. Sullivan* explained to the Board in regard to *Mr. Hess'* letter beginning on Page 3 where the comments begin item at item 20 where they were not aware of any deed restrictions or covenants 21 is related to the parking that we were just talking about this is the subject of the development agreement by the Township we understand that there's going to be some kind of agreement between us in the challenger whether it's a lease or easement or something for the area that is going to be stage in restaurant we have not yet completed that agreement or figured out exactly what term is going to be but they're working with *Mr. Trenk's* office that in item 52 compliance with the coordinates is certainly you could make that a conditional approval will compare those item number 2 sustainability checklist with an indirect reference to the project of Tompkins St which is going to come before you that is a big project of 17 affordable apartments that is the same application but related and connected and checklist for this application and wasn't aware until it got to that. *Chairman Bagoff* asked *Mr. McPherson* to make note of all this. *Mr. Savage* continued his list Number #3 in discussing the traffic circulation plan where there are no freestanding signs and the architect is going to address the wall sign issue.

-When went to the Site Plan Review Advisory Board, no one at that point said Traffic Study was needed. *Mr. Savage* continued his list number 10 we just discussed turning templates 11 to 12 related to flood hazard which we discussed 13 comply.

- *Mr. Savage* then explained 14 the base wall that will be separating between the transformer and the generator and they will double check whether or not that absolutely is required it is required based upon the proximity items but that'll be double check but then the purposes is related to the proximity to the transformer and jet thank you 15 and 16 can comply.

- *Chairman Bagoff* said, as it pertains to 17 to show the radius is row not asking for this to be curved or what the radius then brought it back to the movement plan and asked to identify on the plan the truck that show #18 is an architecture issue although *Mr. Savage* did discuss the trash collection and movement but comply with all of the drainage comments so we have no issues *Mr. Hess* went through letter and commented on the representations made for the Board. *Mr. Hess* mentioned that he would work with *Mr. Savage* to work on any details that might be required and in regard to the trash he asked for clarification from *Mr. Savage* that the trash is going out to the street and said the Architect addressed this but showed room and where it would internally be brought into this would be compacted and then the containers of that compact it would be then rolled out by a private carrier

PROFESSIONAL QUESTIONS:

- *Ms. Spach Trachan's* only question was related to the bike parking and wondering if it could be moved inside to improve the design but *Mr. Savage* testified that the architect would cover that

BOARD QUESTIONS:

- *Mr. Jerry Guarino* brought up that the flood and sewerage pipes the existing pipes that *Mr. Savage* said the out flow that will be going into those pipes and clarified that those pipes are not existing pipes those pipes are the ones that are showing runoff rates then a Drainage Report was submitted that shows the pre imposed runoff rates to basically with this site there's flow towards Mitchell so that the existing verse the proposal is all analyzed within Storm Water Report. we're talking about the existing site analyzing this which is you know the remnants of the old the building that was torn down and the parking so the actual impervious coverage when he looked at the existing or the pre-existing versus now there's only a .06 acre increase it's a very negligible increase in impervious and then just based on this system we're minimizing or were producing those rates of runoff from the site.

- *Mr. Guarino* asked in regards to the architectural view in the area of the building that goes off to the parking lot that it's attached to the building or their fire lanes or no parking lanes that if an emergency vehicle had to come. *Mr. Savage* said they can actually come right up to the building.

- *Mr. Guarino* stated that his real concern is to understand about the fire rate equipment, first aid, and medical personnel getting close to the building. *Mr. Savage* responded that in the rear those personnel would be able to pull up at the big curve right in the main entrance from the rear of the property and obviously a front pull up on the main entrance.

- *Councilwoman Susan McCartney* thanked *Mr. Sullivan* for *Mr. Savage* for explaining the non-building area when he was describing the flood hazard which relates to her question about the status of the East Branch of the Rahway River Stream in regards to if there is anything else that has to get done as she is anxious to work with the Master Gardeners on that those banks is there anything else that has to be done to the street *Mr. Sullivan* said there's nothing related to this project that effected the stream and I'm aware of that you have that interest and I believe that you have spoken to *Mr. Joe Alpert* about that and other than whatever you know sort of very routine permitting that you might need to do that we would sure that *Mr. Trenk* could talk about there's nothing that we would support it because it's consistent with our original idea 10 years ago when they wanted that stream to be an asset to the neighborhood She then went on to say that she appreciates the charging station there and quite grand indoor and landscaping space your buffer

needs to be 5 feet are impressively 5 feet where we have 4 what will that be filled with *Mr. Savage* explained that it's a mixed up Chestnut Hill shrub and then the other one was this inquiry that's the two types of Japanese Plum Hu so there's kind of a mix to give a little.

-*Councilwoman McCartney* said there is no trees shade in that parking area but does that have more to do with mediation that exists? *Mr. Savage* responded that with the amount of parking providing the additional public spaces is 17 for the other site that was mentioned you know we kind of places to put islands in that sense put them where we could near the parking but wasn't driven based upon the environmental aspects.

- *Councilwoman McCartney* asked about the 194 the unit public spaces and will there be residential because parking is so limited there or would there be some type of signage prohibiting clarify or clarify that comment about no signs that that was really referring to signs other than signs on the site they'll be various and actually related to the flooding area. *Mr. Sullivan and Mr. Savage* agree that it is up to the applicant too or deny that the all the other spaces whether or not those would be assigned. *Mr. Sullivan* explained that for the purposes of this hearing the intent is that the 17 spaces closest to Mitchell will be reserved for Tompkins and then remaining open public spaces will be again that the rest of that space and then in another space that are closer behind the residential buildings

-*Mr. Smeraldo* asked *Mr. Savage* the decrease the 2016 report that if since this is a little bit further away from the Rahway River does the DEP plan include making sure that the merge management included with this and they sign off on it that they that they realize the stakes of it because the concerns at the time were that where we able or we fully prepared to deal with the amount of people this particular plan encompasses with the people dictation that we make sure that Emergency Management please review this and things look at that's all based on the testimony can you add that as a condition please *Mr. Savage* responded that's just to clarify condition review up the officer management and that's the Township correct compliance would be in including with the PSDP obviously has the jurisdiction over this but in order to sign off last time Emergency Management coordinator had to approve it and things like that should be expanded to include that's correct and then *Chief Smeraldo* was very involved in this the last time as was the chief in orange when first building was built and it is fully expected that the DEP will require those same representations that we made last time about this town having reverse 911 that have high axle vehicles to pick and get in and out and we did purchase a Zodiac for both West Orange Fire Department and Orange Fire Department which would still be available also if there was an issue the capabilities are there and if they meet the minimal requirements. *Mr. Smeraldo* at least wanted this topic to have been addressed.

PROFESSIONALS QUESTIONS:

-No Questions from Professionals

PUBLIC COMMENTS/QUESTIONS:

-No Comments/Questions from Public

Mr. Sean Savage testimony is concluded.

-*Ms. Mary Johannesen* entered on the record, was sworn in by *Mr. McPherson* and was accepted as an expert in the field of Architecture by *Chairman Bagoff*. *Ms. Johannesen* explained using those plans to describe the proposed building with the architectural exhibits that were submitted which are drawings **A-1 A-2 and A-3 (Floor Plans dated 2/23/2021)** prepared exhibits **A-4 and A-5 (Building Elevations 2/23/2021)** **A-6 and A-7 (Perspective renderings dated December 16, 2020)** the classification of **A1-** are the plans important for all of those and that for our purposes I think that's a 6 through 11 and

we'll call it that anyway for now go ahead utilizing drawing **A1** which is **Exhibit A-6** presenting the 1st floor plan for the building is in the same orientation as *Mr. Savage* had presented on the site plans North is upwards of this corner along the top of the drawing is Central Ave along the bottom of the drawing is Mitchell St the parking is in this area of the drawing that this is this is a new building that is mixed use predominantly residential with some commercial it is a five story building with 94 market rate rental apartments and two commercial suites that contain approximately 3500 square feet in total.

- There are 49 one bedroom 1 bath and 45 two bedroom 2 bath drawing 84 which is **(Exhibit A-9)** is showing the building elevations the central Ave elevation is on the top of the sheet and the South elevation facing the adjacent Harvard printing building is on the lower side of the street we are requesting a deviation from the building height that in the redevelopment plan is requires a maximum of five stories and 55 feet being a residential and we are currently at five stories and 16.4 feet that dimension is from the average great plain to do this highest parapet which is limited to an area that is approximately 64 feet wide over the main entrance fronting on central Ave the other flanking rooflines are slightly lower 2 feet five and two feet 6 inches lower the reason we are requesting this deviation is based upon the typical construction for a building of this type we have a ceiling switch our building code compliant and we allow two feet of structure between Florida floor and that is the typical construction from the 2nd through fifth floors including the roof structure the first floor to the second floor has one additional footage structure to accommodate the different structure between the 1st and 2nd floor so when added up brings us to 51 feet 51.65 feet with roof insulation which is code compliant

- *Ms. Mary Johannesen* showed Birds Eye view which is drawing **A7 Exhibit A-12** and showed the proposed building as well as the 22 Central. Where she then described the exterior materials that were selected for durability, low maintenance, and to have a very long life. There's a decorative masonry that wraps along the front as well as around the perimeter of the base of the building which is articulated with a larger smooth decorative masonry bit with a projected canopy that utilizes some of the look aluminum plank that are accenting other areas of the building with flat roof specifying a white Energy Star roofing on the energy. Based on comments from the Planner, the reason for placement of the bike racks is that it worked a little tight on space and didn't have any available to allocate to bike parking which is bike racks were placed outside of the building to accommodate the residents who wanted bicycles and serve anyone in community who rides a bike lock it up in order to visit retail spaces.

-*Mr. Guarino* asked a couple of questions 1) Any ability for solar installation on this building there are no plans for solar panels to be installed we do have mechanical equipment on the roof and as it's shown in the rendering here this is just a bit of a depiction there will probably be more so *Ms. Johannessan* responded that she didn't know that it could even physically accommodate an adequate number of panels for that purpose 2) What are the storage capabilities for the tenants? 3) Will the tenants have access to the large parking facility that *Mr Albert* might be the best to address that I know it's a large facility *Ms. Johanneson* responded that she didn't know how much it's being used by the current tenants but it would take stress off particularly if people had visitors and you don't want this traffic

-*Mr. Johnson* had a few questions in regard to the height that goes beyond the roofline that it would be sufficient and also soften aerial views of the buildings next door. *Ms. Johannsson* responded that 2 foot parapet is an attractive architectural detail to accentuate the entrance can we talk about parapets though to hide any mechanical equipment that's

on the roof. I guess it's so high that not really the reason I was wondering if you can comment on that the height of the building equipment near the edge where it would be visible from the street

- *Mr. Smeraldo* asked public safety related questions regarding the Fire Protection equipment I guess NFPA standards in regards to roof access and any elaboration to the about mechanical equipment on the roof. *Ms. Johannsson* explained standing looking at the pictures and access points is that correct building will be having automatic fire suppression system throughout NFPA 13 because of the height it will also have standpipes in stairwells which is another NFPA requirement access to the roof at this time is my roof hatch through two stairs which are located at the end of each wing the mechanical equipment on the roof is limited to bath exhaust fans HVAC for the common areas and there will not be a lot of it other things on the roof that do tend to take up space different vents and things pipes that come through so there's not a significant amount of equipment proposed for the roof. *Mr. Smeraldo* responded to *Ms. Johannsson's* saying that this is a 60 foot building and the only way to get to the roof through scuttle holes and there's no direct access (no staircase) *Ms. Johanneson* answered in the affirmative that the standpipe system which would be located in the stairwell not the entire building will have fire suppression and automatic fire suppression in all the common areas, all commercial areas, all the utility areas and everything will be have automatic fire suppression.

- *Mr. Trenk* had one question in regard to an electric vehicle charging ordinance and if it fully complies with that that new construction. *Chairman Bagoff* asked *Mr. McPherson* to write that as a condition for the application. *Mr. McPherson* said that they read the ordinance and would have to come back and discuss that. *Mr. Sullivan* responded that they wouldn't want to come back and they will comply with whatever the ordinance required. *Mr. Trenk* followed that with handicap spots whatever the number of spots is requires the same number of electric vehicles so they only come back then you have to make sure it's included yes that was recent bill yeah if it applies obviously studied comply but assuming it applies on considering the size I would so I would proper condition that I would like to see two electric charging stations we can see where the ordinance falls in there but will have the board discussed after a facility this large are there any electric charging stations in 22 central with the other project I don't believe so OK well considering that the country is going green and putting in the a proposed station for somebody to ask for they would have to know that is available if they ask for it as opposed to is physically there which will all auto manufacturers are now talking about electric cars so it stands to reason that a project of this talking about the future we should look to the future with this project also so we'll see what the board says

BOARD PROFESSIONALS

-*Mr. Hess* asked two questions. One is we had raised the question in regards to letter Mail pick up that there's going to be a mailroom in the building and that the applicant will be verifying with the postmaster to ensure that second one is on the trash pickup testimony earlier was Central Ave was four Lane road 2 lanes in each direction trash truck is going to have to pull up someone will have to go in concerned about possible traffic impacts do you have any idea on the time of day when that would take place make sure that that's not going to cause a problem in traffic *Mr. Sullivan* responded that *Mr. Alpert* is going to comment regarding the hauling it is public or private and comment on timing and scheduling.

-*Ms. Spach Trahan* asked if the architect could confirm nation of the sign identification sign as it was said that it would be similar in size to the Central Avenue sign would it be still located on the west wing on that black brick area. *Ms. Johannsen* responded yes and in regards to the electric vehicle charging stations, she believes the reason that one space is identified site plan is that the municipal land use law was updated in 2019 to require that for all I can't speak to the to the ordinance in regards to the bike rack I

No Public Questions

Ms. Johanneson testimony concluded.

-*Mr. Alpert* was sworn in by *Mr. McPherson*. *Mr. Sullivan* and *Mr. Alpert* covered topics in rapid succession. 1st would be I don't know the answer should you do the trash pickup for this building it must be the same for the other two buildings so they added another two times a week so the Superintendent works with both the municipal pickup and the private pick up knowing when they come the truck is never waiting for pick up.

-*Mr. Smeraldo* asked if there was anything in between yeah park cars between the parking lot *Chairman Bagoff* asked *Mr. McPherson* to put that down to discuss. that I want to ensure that the firefighters are safe and if my mind would be if we have to very this for that that would make sense to me but let's discuss it with the board and the and the and *Mr. Alpert* it also might be worth now *Mr. McPherson* order on the spot in a lot of towns structures like that don't count towards building height just making make sure that our firefighters are secure as possible and it's also probably going to be good for any of your guys that need to do maintenance and is just trying to make sure that we identify the limit of the variance.

-*Chairman Bagoff* asked *Mr. Alpert* about the parking at the facility on the Orange side that facility holds about 162 spots in the building *Mr. Alpert* responded that they set aside units for overflow as it turns out we have a lot of capacity in there we've had zero requests from the 22 Central building believe it or not we saw the lot of capacity so if it happens that this building which is 11 building further app has a desire to use it plenty of capability for access parking but would allow the people from 22 Central and 18 Central park there.

-*Councilwoman McCartney*, asked about the current status of the New Jersey Transit station and the status because that was a topic of conversation when we were reviewing the 22 Central Ave application. *Mr. Alpert* responded that they have been working on this since 2006 with no end in sight it seems.

Questions from Professionals

-*Mr. Hess'* only question had was on the trash pickup and how it's going to function. (ie: What time of the day would trash be anticipated to be picked up?) *Mr. Alpert* responded that his son is actually the property manager and sometimes in the morning, the super does it first thing and he rolls it out within 10 minutes of the pickup. *Mr. Hess'* reiterated that he just wants to make sure it's not conflicting with the time on the road. *Mr. Alpert* responded that he doesn't think it is.

-*Miss Spach Trahan* wanted to comment on the idea of having a stair bulkhead above. It's not interest in the redevelopment plan, but. The ordinance does permitted up to 10 feet.

And not be included in the height. That's what I thought, so it won't change the variance of risk.

No Public Questions

Mr. Alpert testimony concludes.

- *Mr. Charles Heydt* entered on the record, sworn in by *Mr. McPherson* and was accepted by the Board as an expert in Planning.
- Architecture for this application relates to the design and agrees that the additional building height does provide for some architectural comments through the main location, but noticing elevation residential lobby also increased the rate to account for the flood hazard area.
- *Mr. Heydt* explained that these plans substantially comply with all the other requirements of this redevelopment plan. Eventhough the signage was raised an issue the applicant will comply. With respect to the substantial detriment and public welfare, that staircase should be exempt with spectrum building height calculation. He then suggested moving the staircase closer to Central Ave as it would probably be a beneficial location for that. This application is trying to limit the impact on general welfare, but I don't see any substantial impact here with this application.

Board Questions

- *Mr. Johnson* asked about density per acre and if it is mixed use. *Mr. Heydt* answered that it is approximately 70 per acre.
- *Mr. Johnson* asked about the amount of buffer areas. *Mr Heydt* said there were two instead of one and both of them require a variance.
- *Mr. Johnson* asked about the rationale for the staircase being moved. *Mr. Heydt* said that Central Ave is an impact street so visually speaking to mitigating the impacts of the back to Pop Element. But Central Ave is more the primary St, so sometimes you just want to reduce impact altogether.
- *Councilwoman McCartney* asked about a traffic study. *Mr. Heydt* responded that from this sort of mixed use development there wasn't one required.

Professionals Questions

- No questions from *Mr. Hess*.
- *Ms. Spach Trachan* said heard the planner testify about the building height variance to the parapet and asked *Mr. Heydt* to provide testimony about the building, the variance to the lower roof lines. *Mr. Heydt* said that 22 Central Avenue is a five story structure as well. If you look at them, they are materially similar.

Public Questions/Comments

No questions/comments from Public

Public Portion of Application is Closed

Discussion

- *Chairman Bagoff* read into the record the "Pro Forma Site Plan- Conditions of Approval".
- *Mr. McPherson* discussed the conditions as the ones that were specifically mentioned and try to run through this. Clients with the color ordinance bill was that specifically mention yes yes OK. The other one I have here is the easement needed for the public. I guess the public parking easement or other legal document. OK. And the easement should be in perpetuity. Moving ahead sustainability checklist to be submitted. OK, this is the applicant shall work with the DP and conjunction with the township's office of the Manage of Emergency Management. On this is on the. I forgot what particular I think what I would

suggest Ken is obviously already have. Term is already read that we have permit from DEP to that we submit our. Our plan to OEM for review, right? Alright. What else we have? With the new EV charging station and Sustainability Ordinance, yes, thank you very much council on it.

-*Mr. Smeraldo*, mentioned that in conjunction with the Fire Department, believes the Board should consider the approval of the staircase. But I think to let the professionals understand to have point of where this should be. If it's in the center of the building, it's almost equal distance for the firefighters. It's going to be at one of the two stairwells, though.

-Chairman Bagoff said besides the first seven pro forma conditions terms mentioned.

-The applicant shall comply with all applicable COAH ordinances related to affordable housing that's Council on affordable housing.

-The applicant shall execute a writ providing the Township and easement to the public parking.

-The applicant shall submit and make notations on sustainability checklist. Add the applicant shall submit its plan to the Office of Emergency Management for its review.

- The applicant shall comply with the electric vehicle charging station sustainability ordinances.

Applicant will will comply with all points agreed to in the letter from *Mr. Hess* dated April 5th, 2021

- The applicant shall figure out a word bill this the agreement acceptable to the Township on the public parking spaces that's incorporated into the easement condition. Tomorrow the applicant will provide access to the roof via a stairwell in conjunction with the fire Department, and I think the last one you mentioned, *Mr. Chairman*.

-The applicant has requested relief for the height of the building, lot, non-buildable area coverage, two landscape buffers and the size of a one bedroom apartment.

PB-20-03/The Alpert Group, LLC

Motion: R. Bagoff

Second: P. Smeraldo

MOTION PASSES/RESOLUTION PASSES

Bagoff:	Y	Smeraldo:	Y
Guarino:	Y	Trenk:	Y
Johnson:	Y	Wilkes:	Y
Klein:	NA		
McCartney:	Y		
McNair:	Y		

-Councilwoman McCartney votes yes with the variances considering this long awaited major improvement to this area.

MEETING ADJOURNED at 11:16PM. Called by Chairman Bagoff.

Adopted:

9/1/2021



Diana L. Chandler

Township of West Orange Planning Board