

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD REGULAR MEETING  
MEETING MINUTES  
August 11, 2021**

The Township of West Orange Planning Board held its regular meeting on August 11, 2021 at 7:30 P.M. via virtual ZOOM videoconference.

*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 September 1, 2021 at 7:30 P.M. on the ZOOM platform.

**ROLL CALL**

**PRESENT:** Dr. Robert Bagoff; Mr. Jerry Guarino Mr. Lee Klein; Mr. John McNair;  
Mr. William Wilkes; Councilwoman Susan McCartney; Mr. Peter  
Smeraldo; Mr. Andrew Trenk

**ABSENT:** Mr. John McNair

**ALSO PRESENT:** Kenneth D. McPherson III, Esq., Attorney; Paul Grygiel, Town Planner;  
John Hess, Town Engineer; Diana L. Chandler, Acting Planning Board  
Secretary

**SWEARING IN:**

- *Mr. Grygiel and Mr. Hess* were sworn in by *Mr. McPherson*.

**APPLICATIONS**

**1) PB 21-06 Montclair Golf Club/ 25 Prospect Avenue  
Block: 151; Lot: 1,5,7,11,14,15.01,23,34,37,41,45.01 &49; Zone: R-2  
Seeking an Amendment to the Site Plan.**

**PRESENTATION**

*-Mr. Robert Gaccione* entered on the record for applicant and explained that in 2020 Preliminary were granted including was a fence seeking extension of netting of 140 feet.

-*Mr. Roger Bacon*, General Manager of Montclair Golf Club was sworn in by *Mr. McPherson*.

-*Mr. Bacon* explained that review of the netting install is not reaching past the pool. While temporary measures have been taken (altered teeing area, many alternatives, but nothing permanent)

-*Chairman Bagoff* asked if the golf balls are ending up in the pool. *Mr. Bacon* answered in the negative.

-*Mr. Timothy Derrick*, Engineer was sworn in by *Mr. McPherson* and was qualified by the Board.

-*Mr. Derrick* testified that additionally along netting 140 feet would require two additional poles and would reduce danger of golf balls despite the violation. This is strictly a safety issue.

### **BOARD QUESTIONS**

-*Mr. Lee Klein* asked if this is a need to protect residents from stray balls. *Mr. Derrick* answered that to his knowledge it is only to protect those in the pool facility.

-*Councilwoman Susan McCartney* asked what the difference between this and a baseball field for safety. *Mr. Derrick* answered that the proposed fencing wasn't to height and that is why they are reappearing.

-*Mr. Lee Klein* asked how many feet in would this netting go? *Mr. Derrick* responded that it's 400 ft for 100.

-*Mr. Lee Klein* asked what color the netting would be. *Mr. Derrick* responded that it's going to be black.

-*Mr. Lee Klein* asked if *Mr. Derrick* has ever been hit in the head with a golf ball. He answered in the negative.

### **NO QUESTIONS FROM PROFESSIONALS**

### **PUBLIC QUESTIONS**

-*Ms. Sally Malanga (Ridge Road)* asked how applicant can relieve the eyesore of the fence. *Mr. Derrick* said that proposed landscaping will grow in but unsure if he is the right person to be answering, his belief is that what will be planted will be high enough. *Mr. Klein* reiterated what *Mr. Derrick* said that it's "pool, field, then the netting." *Chairman Bagoff* also said in confirmation that it seems safety related not for beautification.

-*Ms. Joyce Rudin (Woodland Avenue)* asked if there is any alternative to the fencing. *Mr. Derrick* said other than redesigning the golf course, no.

-*Ms. Joyce Rudin (Woodland Avenue)* asked what the balance is to fencing as she believes its "Not for residents but for the members". *Mr. Derrick* said that it is part of the original approval.

-*Ms. Judith Rosenthal (97 Main Street, Millburn)* if there is an alternative to golf course redesign "Land gives ability to move hole". *Mr. Derrick* said at this time that is not part of the application.

## PUBLIC COMMENTS

-*Ms. Joyce Rudin (Woodland Avenue)* urged the Board not to approve as there are other options to be considered. Doesn't think this is a fair application since it's for their own members not residents. Urged applicant to "put back what you took away" in regards to the trees and landscaping taken down.

-*Ms. Sally Malanga (Ridge Road)* wanted to let the applicant know how that they are "not being a good neighbor" because of how bad this property looks.

- *Mr. Kevin Malanga (Ridge Road)* wanted to let the Board and applicant know that this is a self-imposed hardship and in his opinion shouldn't be approved because it is their own fault.

## SUMMATION/DISCUSSION

-*Mr. Gaccione* said that the application benefits outweigh the liability and that the applicant has replaced the trees cut down. This application is strictly just an extension of the previous approved fencing.

- *Chairman Bagoff* asked if a Landscape Architect has been utilized. *Mr. Bacon* answered no not at this time has one been hired.

- *Mr. Guarino* asked if there was at any time greenery requested to stay in the original area. *Mr. Derrick* answered nothing was originally there.

**Motion: Chairman Bagoff**

**Second: Mr. Wilkes**

## APPROVED

|                |                 |
|----------------|-----------------|
| Bagoff: Y      | Smeraldo: Y     |
| Guarino: Y     | Trenk: Y        |
| Klein: Y       | Wilkes: Y       |
| McCartney: Y   |                 |
| McNair: Absent | yes; 7 absent 1 |
|                |                 |

Conditions:

## **2) PB-21-05 / 515 Valley Road/Valley Arts Dental**

**Block: Lot: Zone:**

**515 Valley Road**

**Seeking C1, C2 Variances, and Site Plan Approval (Preliminary and Final with variances)**

### **PRESENTATION**

-*Mr. John Dusingberre, Esq* entered on the record for Site Plan approval at the "T" intersect. Variance and Ordinance in Zone. No parking variance needed, but lot coverage is as driveway width is 16 ft. as opposed to the 24 ft. in the Ordinance.

-*Dr. Michael Klausner (Applicant/Owner of Valley Arts Dental)* sworn in by Mr. McPherson. He is the sole owner of the practice since 2020 and this was an existing practice purchased/built by initial dentist in the 1970s. Staffing includes 2 dentists, 2 hygienists, and office staff. There is parking in the rear but not all drive/park on the grounds.

-Expansion of this property would give following benefits: Staffing (additional assistant and break room), 3-5 treatment rooms, consultation room, and help serve patients better.

-Originally a second story was the idea but realized that by doing so there was no increase in usable square feet.

### **BOARD QUESTIONS**

-*Mr. Peter Smeraldo* asked if expanding the office how will staffing deal with the overflow. *Dr. Klausner* said the efficiency to clean, sterilize for patients, keeping staff same but for overflow doubt will need street parking as many patients come together as families.

-*Councilwoman McCartney* wanted to let *Dr. Klausner* know that parking is tight but to keep in mind that Central Ave has a lot with 22 spaces for public parking.

-*Mr. Lee Klein* wanted to let *Dr. Klausner* know that if office is telling people to park on the street, he needs to adhere to the street/traffic laws.

### **PUBLIC QUESTIONS**

-*Ms. Megan Brill*, Downtown West Orange Alliance wanted to let the Board know of her approval for this application.

-*Mr. Anthony Marucci, Engineer & Planner* was sworn in by *Mr. McPherson* and was accepted by Board. He advised the Board that the plans originated by the Architect who cannot appear due to scheduling.

-*Mr. Marucci* explained in regards to *Mr. Hess'* letter

- 1) Meets all zone and setback criteria required
- 2) Existing Condition – It is a small one story building opening up to parking in the rear and slopes down towards Valley Road; one constraint was the steps so there is no handicap access.
- 4) Grading and Drainage Plan – Proposed condition into drywall system in terms of runoff.
- 6) Lighting & Landscaping – lights shielded for neighboring properties. In agreement with *Mr. Hess'* report for walk landscaping to buffer parking lot. Five (5) trees were taken down and in his opinion not healthy. They are replacing one of them.

-*Mr. Marucci* explained in regards to *Mr. Grygiel's* memo that he 100% agrees that there is no need for parking, but need for coverage. (Traffic poll in way; Signage- only one permitted but logo on roof)

-*Mr. Marucci* explained in regards to *Mr. Hess' August 5, 2021* letter that: there is no need for a dumpster (trash enclosure minor), no free standing signs; trees will be removed only upon application after approval of this application; Driveway has 16 feet curb that will require a 18ft curb cut and a traffic signal; low retaining wall and wheel stop (which can be a condition); parking 2 ft behind curb; 6 feet concrete sidewalk apron; an increase of coverage; Recharge rationale not major acre but if *Mr. Marucci* said if *Mr. Hess* feels more can be addressed, and drywells can be discussed as well.

-*Mr. Marucci* believes that the C2 Variances criteria benefits outweigh the negative. The use benefits local public that the lot coverage will be mitigated by storm water coverage.

-*Chairman Bagoff* advised that Amalgam waste suction units and x-ray usage by State of NJ need to be installed and inspected prior to use.

### **BOARD QUESTIONS**

-*Mr. Jerry Guarino* asked if patients will be made aware not to park in Krauser parking lot. *Dr. Klausner* answered and agreed that most of patients are aware already but will advise accordingly.

-*Mr. Lee Klein* asked if lighting on the site will remain the same. *Mr. Marucci* said he was unsure as he did not do the field work. *Dr. Klausner* answered in the affirmative and that the lighting was approved.

-*Mr. Lee Klein* asked about parking and if the lot has been striped. *Dr. Klausner* said nothing has been striped.

-*Mr. Lee Klein* asked if a car is entering the lot, can it be seen in the distance while in the lot. *Dr. Klausner* answered in the affirmative.

-*Mr. Lee Klein* asked where the generator for the business is. *Dr. Klausner* answered that it is on the rooftop.

-*Mr. Lee Klein* asked where the chimney is if the generator is on the roof. *Mr. Marucci* deferred to Architect.

-*Chairman Bagoff* asked for confirmation in regards to garbage. *Mr. Marucci* answered that there are two cans in a fenced structure.

-*Mr. Peter Smeraldo* asked what kind and how they intend to secure the gases on the property. *Dr. Klausner* answered that they are required to have rescue gas and nitrous oxide for procedures and are secured by valves.

-*Councilwoman McCartney* requested that for cars exiting Valley Road to utilize striping. *Mr. Marucci* said that he proposes striping since there appears no need for a Stop sign since there never has been one there.

### **PROFESSIONALS QUESTIONS**

-No questions from *Mr. Hess*.

-No questions from *Mr. Grygiel*. But wanted to just state that this is a short building that is moderately signed.

### **NO PUBLIC QUESTIONS/COMMENTS**

**Motion:** Mr. Klein

**Second:** Councilwoman McCartney

**APPROVED /MOTION CARRIES**

|                |             |
|----------------|-------------|
| Bagoff: Y      | Smeraldo: Y |
| Guarino: Y     | Trenk: Y    |
| Klein: Y       | Wilkes: Y   |
| McCartney: Y   |             |
| McNair: Absent | yes; absent |
|                |             |

Conditions:

- Councilwoman McCartney voted “Yes” as long as applicant talks to CME (Mr. Hess) about tree removal.

**COURTESY REVIEW**

**PB-21-07C**

**560 Northfield Avenue**

**Block: 163; Lot: 1; Zone: R-1**

**Turtle Back Zoo Asian Exhibit Expansion**

**PRESENTATION**

- Mr. Mark Fleder Esq. entered on the record on behalf of the applicant.
- Mr. McPherson explained what a courtesy review is in conjunction to the Master Plan and the Planning Board is not to approve or dissuade application.
- Mr. Michael Piga, Landscape Architect/Project Manager was involved in the Design of Plan/Landscape. General nature of the project to replace in same location and discussed specifics of applications for exhibit.

**BOARD QUESTIONS**

- Mr. Guarino asked if the only the building was expanding. Mr. Piga responded in the affirmative.
- Mr. Guarino asked if they were adding trees/landscaping. Mr. Piga responded in the affirmative.
- Mr. Guarino asked about water management and if there is a chance to reuse water. Mr. Piga answered that the water will be collected and dispensed, but there is no chance to reuse water.
- Mr. Klein asked what year of the Master Plan they are using and whether it is a draft or final version. Mr. Piga said it is a draft of 2019 Master Plan.
- Mr. Klein asked if there will be a change in the animals for the exhibit. Mr. Piga answered in the negative.

-*Mr. Klein* asked if there were any limits to the growth of the zoo. *Mr. Piga* answered in the negative and *Mr. Fleder* explained that the Master Plan is unrelated to Application in the long term.

-*Mr. Klein* asked if the county can assure the boundary to anything outside the service road. *Mr. Piga* answered in the negative that the Master Plan is revised improvements. "No legal boundary as long as part of the Reservation."

-*Councilwoman McCartney* asked if the staircase/steps are AZA compliant. *Mr. Piga* answered in the affirmative.

-*Mr. Smeraldo* wanted to put a comment on the record that he is confident that the Zoo and all professionals will do right by West Orange.

### PROFESSIONALS QUESTIONS

-*Mr. Hess* asked for clarification in regards to the plans and what the dotted line in the lawn area is. *Mr. Piga* confirmed that it is the existing sanitary area.

-No questions from *Mr. Grygiel*.

### PUBLIC QUESTIONS

-*Ms. Judith Rosenthal (97 Main Street, Millburn)* asked about the designated areas of the 12 trees being taken down. (ie Are there wetlands in the area? Is there swamp cabbage?) *Mr. Piga* answered in the negative.

-*Ms. Judith Rosenthal (97 Main Street, Millburn)* asked if *Mr. Piga* knew the "range" of a Red Panda. *Mr. Piga* answered in the negative but will work with the guidelines AZA require.

-*Mr. Robert Rashkes (35 Oak Crest Road)* asked about benches and whether they will have backs. *Mr. Piga* said the benches will not have backs just arms and legs.

-*Mr. Robert Rashkes (35 Oak Crest Road)* asked if there will be yellow jacket receptacles to attract. *Mr. Piga* said no.

-*Mr. Phillip Schweiger (14 Davey Way)* asked that since 12 trees will be removed, if fence line would be moved. *Mr. Piga* answered in the negative.

-*Ms. Catherine Tamasik ()* asked about the amount of trees being cut down. *Mr. Piga* answered that 12 will be cut down.

-*Ms. Catherine Tamasik ()* asked about the amount of trees being saved and *Mr. Piga* answered that 18 new trees will be saved.

-*Ms. Catherine Tamasik ()* asked what the purpose of the larger building is. *Mr. Piga* answered that it's not just a renovation to an existing exhibit.

-*Mr. Jerry Eben (26 Walker Road)* asked what we do with traffic in regards to this new exhibit. *Mr. Piga* answered that this exhibit will not increase attendance at zoo.

-*Mr. Jerry Eben (26 Walker Road)* asked what is happening to protect the trees/landscaping? *Mr. Piga* answered that there will be a buffer to grow into.

-*Ms. Judith Rosenthal (97 Main Street, Millburn)* asked in regards to bamboo what they are doing to control spread of evasive species. *Mr. Piga* said that they would use the control environment.

-*Ms. Judith Rosenthal (97 Main Street, Millburn)* asked if the area is fenced completely. *Mr. Piga* answered in the negative.

-*Ms. Sally Malanga (Ridge Road)* asked for the reason behind no traffic increase. *Mr. Piga* answered that it is an already existing exhibit.

-*Ms. Sally Malanga (Ridge Road)* asked if the advertisement for the renovation would increase traffic. *Mr. Piga* said not to his knowledge.

-Mr. Kevin Malanga (Ridge Road) asked if there was a tree cutting plan. Mr. Piga said that it is only submitted in a conceptual plan.

-Mr. Kevin Malanga (Ridge Road) asked where on the rendering does it show the trees cutting down. Mr. Piga said that he cannot show that.

-Ms. Joyce Rudin (Woodland Avenue) asked if this application is involved in the one for Green Acres. Mr. Piga answered in the negative.

-Ms. Joyce Rudin (Woodland Avenue) asked then what the intention of the exhibit is if not increase attendance at the Zoo. Mr. Piga said that he is unaware.

-Mr. Phillip Schweiger (14 Davey Way) on the website for Zoo the Clouded Leopard is not listed as being an existing animal. He wanted to know if it was new. Mr. Piga said that the Zoo Director can answer that better than he can.

---

Ms. Lorrie Sciabarsi, Architect entered the record, was sworn in by Mr. McPherson and classified as an expert by the Board.

-designed the interior and exterior floor plan

### **BOARD QUESTIONS**

-Mr. Guarino asked what community procedure was from preventing animal cruelty. Ms. Sciabarsi said that she worked closely with the Zoo Director for protection of all (animal, handler,...)

-Mr. Guarino asked about the lighting and was informed by Ms. Sciabarsi that it is being used for maintenance only.

-Mr. Guarino asked if this project will be using any recyclable materials. Ms. Sciabarsi said that she was unsure.

-Mr. Guarino asked if there would be an HVAC system installed. Ms. Sciabarsi answered in the affirmative but said that the Engineer can answer in regard to code.

### **NO PROFESSIONALS QUESTIONS**

### **PUBLIC QUESTIONS**

-Ms. Judith Rosenthal (97 Main Street, Millburn) asked if Ms. Sciabarsi did research on the range of the leopard. Ms. Sciabarsi answered that it was in scope to hold animal not for free range.

-Ms. Judith Rosenthal (97 Main Street, Millburn) asked what the reason was for four dens. Ms. Sciabarsi said that it was what she was instructed to do.

-Ms. Judith Rosenthal (97 Main Street, Millburn) asked who she collaborated with on her side. Ms. Sciabarsi answered her coworkers.

-Ms. Judith Rosenthal (97 Main Street, Millburn) asked what the floors will be made of and will animals (ie: Clouded Leopard) be sleeping on them? Ms. Sciabarsi answered that the floors are cement but the leopard will sleep on bench.

-Ms. Judith Rosenthal (97 Main Street, Millburn) asked what exactly a "transfer space" is. Ms. Sciabarsi answered that it is a temporary holding space.

-Mr. Jerry Eben (26 Walker Road) asked if the program from the owner was followed to the letter. Ms. Sciabarsi answered in the affirmative and used the chosen guidelines from the AZA.

-Mr. Jerry Eben (26 Walker Road) asked if there is a drain attached to the sanitary line. Ms. Sciabarsi answered in the affirmative.

-Mr. Jerry Eben (26 Walker Road) asked what kind of paint is being used. Ms. Sciabarsi answered that it is an epoxy paint which is hard to scratch and solid.

-Mr. Jerry Eben (26 Walker Road) asked if there is a sprinkler system necessary or needed. Ms. Sciabarsi answered that it was deemed unnecessary.

-Mr. Kevin Malanga (Ridge Road) asked who decided on the size of the Den. Ms. Sciabarsi said the Zoo Staff.

-Mr. Kevin Malanga (Ridge Road) asked what is the size of the Red Panda Den. Ms. Sciabarsi said that the Zoo Director would be better to ask that question to.

-Ms. Sally Malanga (Ridge Road) asked for clarification on how animals receive light and air. Ms. Sciabarsi said they receive light and air through a sky light and artificial light.

-Ms. Sally Malanga (Ridge Road) asked if the animals are able to go outside. Ms. Sciabarsi answered in the affirmative.

---  
Dr. Jillian Fazio, Director of the Turtle Back Zoo entered on the record, and was sworn in by Mr. McPherson.

-Dr. Fazio went into detail about the Red Panda and Clouded Leopard which are found in Asia. Described the Red Panda as a "house cat" that will grow to 10-15 pounds at full size. She also described the Clouded Leopard as being medium in size full grown at 20-50 pounds.

### **BOARD QUESTIONS**

-Councilwoman McCartney asked if the public can see inside the den. Dr. Fazio responded in the negative that it is private for the animals.

### **NO PROFESSIONALS QUESTIONS**

### **PUBLIC QUESTIONS/COMMENTS**

-Mr. Phillip Schweiger (14 Davey Way) asked about the lack of the Clouded Leopard on the website. Dr. Fazio said that this animal was on display previously but just not now.

-Mr. Kevin Malanga (Ridge Road) asked where she studied Clouded Leopards. Dr. Fazio said the Smithsonian and in Thailand.

-Mr. Kevin Malanga (Ridge Road) asked if when she studied in Thailand, was it in the open or zoo setting. Dr. Fazio said it was in a zoo setting.

-Mr. Kevin Malanga (Ridge Road) asked if she was the one who made the decisions on the size. Dr. Fazio answered in the affirmative and it was based on AZA guidelines.

-Mr. Kevin Malanga (Ridge Road) asked if she knew the daily range of the Clouded Leopard. Dr. Fazio answered that it is mostly unknown. Maybe 20 kl but it all depends on prey availability.

-Mr. Jerry Eben (26 Walker Road) asked if the dimensions are 200 ft. for the room the Red Panda will be in, what the thought process was. Dr. Fazio said that some aspects are larger than the AZA guidelines.

-Ms. Meredith Gordon (1480 Pleasant Valley Way) asked when the last time the Clouded Leopard was on display. Dr. Fazio said that it has been awhile.

-Ms. Joyce Rudin (Woodland Avenue) asked about the required sizes of the rooms for Red Pandas and Clouded Leopards. Dr. Fazio said that for a Red Panda it is 200 square feet, and for a Clouded Leopard it is 500 square feet.

### **PUBLIC COMMENTS**

-Ms. Jennifer Nielsen (17 Egbert, Morristown) was concerned about the expansion. Requests that until the Master Plan is approved, no approval on applications of this nature should be made.

-Ms. Sally Malanga (Ridge Road) made a comment about Mr. Klein's reaction and respect for what the public is trying to drive. She then referenced the Resolution passed 1/2/2018 prior to the Capital Improvement. Urged the Board to vote no.

-Mr. Kevin Malanga (Ridge Road) said that there is nothing courteous about this application and urged the Board to vote no.

-Ms. Meredith Gordon (1480 Pleasant Valley Way) said that she is appreciative of the time but unclear of the West Orange and County overlap and suggests to postpone a vote as plans not finalized and measurements seem unclear as well.

-Mr. Jerry Eben (26 Walker Road) said that the Planning Board will see plenty more courtesy reviews because the County doesn't see boundaries on the property.

-Mr. Robert Rashkes (25 Oakcrest Road) said that despite the confirmation that this site and renovation will not attract the public to the zoo, he cannot help but think about the effects this will have on Northfield Avenue and Cherry Lane traffic.

-Ms. Joyce Rudin (Woodland Avenue) said that it feels like the West Orange Planning Board wanted to shut the public down during this meeting. That there seem to be no legal boundaries for the Zoo and asks as information is now incumbent of Board to not hear and save the South Mountain Reservation.

-Mr. Phillip Schweiger (14 Davey Way) said that preserving open recreation areas and not eating into the hiking trails. With the increase of the numbers of people, finds it hard to believe that it won't be considered a new exhibit/attraction.

**Motion:** Mr. Smeraldo

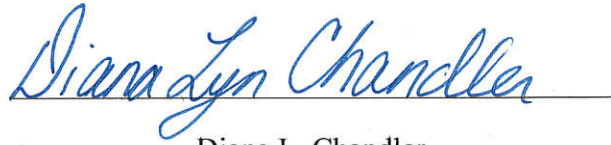
**Second:** Chairman Bagoff

Recommendations to Consider: Finalize Zoo Master Plan, Traffic Study, and Hydraulic Study.

|                |                 |
|----------------|-----------------|
| Bagoff: Y      | Smeraldo: Y     |
| Guarino: Y     | Trenk: Y        |
| Klein: Y       | Wilkes: Y       |
| McCartney: Y   |                 |
| McNair: Absent | Yes 7; absent 1 |
|                |                 |

**MEETING ADJOURNED** at approximately 11:47PM. Called by **Mr. Lee Klein**. Seconded by **Chairman Bagoff**.

Adopted: 9/1/21



Diana L. Chandler

Acting Planning Board Secretary

**\*\*THE NEXT REGULAR PLANNING BOARD MEETING WILL BE *WEDNESDAY*  
SEPTEMBER 1, 2021 AT 7:30 P.M. \*\***