

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD REGULAR MEETING
DRAFT MEETING MINUTES
October 6, 2021**

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

Chairman Bagoff called the meeting to order at approximately 7:32PM. 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

- *Chairman Bagoff* announced that the next Planning Board Regular meeting will be held **Wednesday November 3, 2021 at 7:30 P.M.**
- *Chairman Bagoff* announced **PB 21-09 Sherwin Williams 217 Main Street** will now be heard on **November 3, 2021**. Applicant will provide new notice to the public for **November 3, 2021**.
- *Chairman Bagoff* announced **PB 21-10 Altera 769, LLC 769 Northfield Avenue** is being carried to a Special Meeting scheduled for **October 27, 2021 at 7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. John McNair;
Mr. Christopher Morgan, Sr; Mr. William Wilkes;
Councilwoman Susan McCartney; Mr. Peter Smeraldo

ABSENT: Mr. Lee Klein; Mr. John Hess, Town Engineer

ALSO PRESENT: Kenneth D. McPherson III, Esq., Attorney; Paul Grygiel, Town Planner;
Diana L. Chandler, Acting Planning Board Secretary; Sarab Thapar, Esq., Public Advocate

SWEARING IN:

- *Mr. Paul Grygiel* was sworn in by *Mr. McPherson*.
- Oath of office for *Mr. Christopher Morgan, Sr.* (Mayor's Designee)
- *Mr. Sarabraj Thapar, Esq.* was introduced as new Public Advocate.

MINUTES & RESOLUTIONS

9/1/2021 Minutes

Motion: Chairman Bagoff

Second: Jerry Guarino

ADOPTED

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: ABSENT	Wilkes: LEFT MTG
McCartney: Y	
McNair: LEFT MTG	yes; absent

Resolution: PB 21-08 Sign Pros/ 217 Main Street

Block: 116; Lot: 02; Zone: B-1 (Redevelopment Zone)

Seeking C1 & C2 Variances for physical features with exceptional situation for new illuminated signage.

Motion: Chairman Bagoff

Second: Councilwoman McCartney

ADOPTED

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: ABSENT	Wilkes: LEFT MTG 8:01
McCartney: Y	
McNair: Y	yes; absent

Resolution: PB 21-07 C Turtle Back Zoo Amazing Asian Exhibit
560 Northfield Avenue
 Block: 163; Lot: 1; Zone: R-1
 Courtesy Review
 Turtle Back Zoo Asian Exhibit Expansion

Motion: Chairman Bagoff
Second: Councilwoman McCartney
ADOPTED

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: ABSENT	Wilkes: Y
McCartney: Y	
McNair: ABSENT	yes; absent

PRESENTATION BY HISTORIC PRESERVATION COMMISSION: Mr. Brian Feeney
(Chair), Marty Feitlowitz (Vice Chair), Patrick Harshbarger (Principal
Historian/Architectural Historian)

- *Mr. Brian Feeney* entered on the record and gave introduction of the organization
- *Mr. Patrick Harshbarger* was sworn in by *Mr. McPherson* and accepted as an expert Historian Architect.
- *Mr. Harshbarger* presented how [Holy Trinity Episcopal Church, 315 Main Street \(Block 125.05/Lot 1\)](#) is classified as a historical landmark. (1907 by Hobart Brown Upjohn with stucco on terracotta construction so parishioners can build themselves. This congregation separated from St. Mark's parish in 1905. The parsonage and garage are not being considered for landmark status. Are eligible under Criteria C as it speaks to time and neighborhood.)
- *Mr. Harshbarger* presented how [Williams/McManus/Lehmann House, 122 Main Street \(Block 89/Lot 36\)](#) is classified as a historical landmark. (1856-57, 1895-96 construction and remodeling of property. Front face of property is Italian Style Gable which has had multiple phases of development. Showed an early map of Llewellyn Park as the "First Suburban Neighborhood". House was originally built for Margaret Williams, granddaughter of St. Mark's pastor James Williams. Are eligible under Criteria A as it contributes to events that have made significant contribution and Criteria C for the construction of the building.)
- *Mr. Harshbarger* presented how [Hedges Block, 46-56 Main Street \(Block 69/Lot 28\) \(the hardware and liquor store\)](#) is classified as a historical landmark.()

- *Mr. Harshbarger* presented how [State Diner, 567 Valley Road \(Block 28/Lot 23\)](#) is classified as a historical landmark. (Built in 1947. Dinette sized with characteristics of its time of Mid 20th Century. The interior is pristine to resemble a railroad car. Built by the Killman Dining Car Company by Joseph Lombritto in 1928 and son Frank Lombritto replaced with this one in 1947. Eligible under Criteria C for construction and the association with the dinette story.)
- *Mr. Harshbarger* presented how [George V. Hecker Carriage House, 36 Ridge Road \(Block 80.05/Lot 40.02\)](#) is classified as a historical landmark. (Large carriage house with architectural interest, Queen Anne in style with varied siding. Never adapted to other uses. Hecker Family Summer House designed with attributes to the Queen Anne estate. Main House burnt to the ground and supposedly carriage house matched the estate. Are eligible under Criteria C for architectural integrity.)

BOARD QUESTIONS

- *Mr. Jerry Guarino* asked if the carriage house is stabilized is there a way for it to collapse and is it livable, currently owned if so, what the intentions are with the property. *Mr. Harshbarger* answered that it is not imminently collapsing and actively moving/shifting. But wants to defer to architect/engineer to check for conditions. As for security, this building is not very secure so someone could break in. *Ms. Geniece Gary-Adams* was asked to speak on the record and chose not to do so as she has this property in court presently. *Mr. Feitlowitz* received call approximately 30 years ago by previous owner wanting to rehab the home.
- No questions from *Councilwoman McCartney* but encouraged the Historic Preservation Commission to reach out to *Mr. Joe Fagan* (Town Historian.)

PUBLIC ADVOCATE QUESTIONS

- *Mr. Thapar* asked what the purpose of designating and what can be done (i.e. guidelines). *Mr. Feeney* said that the exterior of structure be Secretary of the Interior designation will oversight if someone wants to change exterior of the building and a certificate stating work with what will be done. Commission is “here to assist” and protect historic character of building only when demolition permit issued does committee go toe to toe and to prevent. *Mr. Thapar* asked if resident bought from private owner, would there be a need to appear before the Board? *Mr. Feeney* said only for exterior to ask for approval, if internal no approval is necessary. *Mr. Thapar* asked what are the benefits of being an owner of property of this caliber. *Mr. Feeney* said it’s mainly for prestige and pride. *Mr. Thapar* asked if there was any monetary benefit to owning a property like this. *Mr. Feeney* said only upon sale. *Mr. Thapar* followed that question by asking if there was anything with more immediate funds. *Mr. Harshbarger* said that it could bring a possible Tax credit. *Mr. Thapar* asked for confirmation that it would only be for improvements. *Mr. Feeney* answered in the affirmative. *Mr. Thapar* asked how this would benefit the Township. *Mr. Feeney* answered that it would give prestige but objective and what makes West Orange the town it is. *Mr. Thapar* asked if these properties will bring more money to West Orange. *Mr.*

Marty Feitlowitz said ideally that is the case. *Mr. Thapar* asked if there was a cost to the Town for this distinction. *Mr. Feeney* said only that of a bronze plaque.

BOARD DISCUSSION

- *Chairman Bagoff* recommends taking [George V. Hecker Carriage House, 36 Ridge Road \(Block 80.05/Lot 40.02\)](#) off the list until Construction Official and Zoning Official reviews property as no one is in at the present moment. Safety is the main/biggest thing in his opinion.
- *Councilwoman McCartney* said that she truly understands amount of work and appreciates historical aspects of the [George V. Hecker Carriage House, 36 Ridge Road \(Block 80.05/Lot 40.02\)](#) but it is not operational like a diner. With the Zoning Official having this property in court and doesn't think it's a good idea to overlay those proceedings. *Mr. McPherson* suggested presenters to respond. *Mr. Feeney* said that livability is not part of the criteria or a factor for historical status. *Chairman Bagoff* reiterated not wanting to overlay proceedings to "throw another"
- *Mr. Guarino* said that the [George V. Hecker Carriage House, 36 Ridge Road \(Block 80.05/Lot 40.02\)](#) is a property on Ridge Road which is private. Gives/has no monetary gain. When Zoning Official (*Ms. Gary-Adams*) cannot speak on it, if someone gets hurt is Planning Board responsible? *Mr. McPherson* responded in saying that it would be more of a Construction Official and Zoning Official Determination. *Mr. Paul Grygiel* said that there would be no liability to the Planning Board.
- *Councilwoman McCartney* said that she's unsure if once court has agreed and can take up again what the next steps should be. *Chairman Bagoff* said that the Commission would not have to represent, they would just have to reappear after litigation has concluded.

To hold off on voting for Historical Distinction of the [George V. Hecker Carriage House, 36 Ridge Road \(Block 80.05/Lot 40.02\)](#) until after litigation is concluded for a decision.

Motion: Chairman Bagoff

Second: Jerry Guarino

APPROVED

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: ABSENT	Wilkes: Y
McCartney: Y	
McNair: Y	yes; absent
Morgan: Y	

PUBLIC COMMENT

- *Mr. Kevin Malanga (57 Ridge Road)* said that he is astonished of the removal of the Hecker house of this distinction. If in litigation, only in regards to painting and a new roof. Spoke directly to *Mr. Guarino* and said that for him to say Ridge Road is a private road and doesn't need to be counted is disappointing and this decision of the Planning Board is disappointing.
- *Ms. Sally Malanga (57 Ridge Road)* said that she's surprised but not at the same time as this decision seems like a personal attack (political) on a public forum by *Councilwoman McCartney* and *Mr. Guarino*. That taking this property off the list "is no burden to you, but urge you to reconsider as small minded as it might be".
 - *Councilwoman McCartney* responded stating that we as Board understand significance of property to put on hold because of litigation. To which *Mr. Guarino* agrees.
 - In response *Chairman Bagoff* instructed *Mr. McPherson* and *Ms. Chandler* that if litigation ends this property will reappear for the next scheduled regular meeting.
- *Mr. Feitlowitz* asks the Resolution to state that property "not be changed". To which *Chairman Bagoff* said that the Board will utilize in accordance with litigation in which *Mr. McPherson* agreed.

**Historical Distinction of Hedges Block (46-56 Main Street),
Williams/McManus/Lehmann House (122 Main Street),
Holy Trinity Episcopal Church (315 Main Street), and State Diner (567 Valley Road)**

Motion: Chairman Bagoff

Second: Jerry Guarino

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: ABSENT	Wilkes: Y
McCartney: Y	
McNair: Y	yes; 7 absent:1
Morgan: Y	

"West Orange Planning Board is in agreement with Historic Preservation Commission and hereby recommends that the Town Council adopt their recommendations for historic preservation citations for the above structures."

ADJOURNMENT at 8:58P.M. Motion by Chairman Bagoff.

Adopted: November 3, 2021


Diana L. Chandler
Acting Board Secretary