

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
March 2, 2022 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on March 2, 2022 at 7:30PM 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 Regular Planning Board meeting will be held **Wednesday April 6, 2022 at 7:30 P.M.**
- **2673-21 Ordinance Governing Cannabis Businesses** is being carried to a future meeting of the Planning Board.
 - Further Comment from *Chairman Bagoff* stated that this Ordinance has been resolved by the Town Council and when/if it is sent back to the Planning Board, the Board will address at that time.

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. Lee Klein; Mr. John McNair; Mr. Christopher Morgan, Sr.; Mr. Sal Jensen, Mr. Ken Alper
Mr. Peter Smeraldo; Mr. William Wilkes;

ABSENT: Council President Susan McCartney (excused);

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Paul Grygiel, Town Planner;
Mr. John Hess, Town Engineer;
Diana L. Chandler, Acting Planning Board Secretary
Sarabraj Thapar, Esq., Public Advocate;

MINUTES

Special Meeting Minutes February 9, 2022

Motion: Chairman Bagoff

Second: J. Guarino

Alper:	Y	McNair:	Y
Bagoff:	Y	Morgan:	Y
Guarino:	Y	Smeraldo:	Y
Jensen:	----	Wilkes:	Y
Klein:	Y	Yes 8 ; Absent	
McCartney:	----		

Meeting Minutes February 2, 2022

Motion: Chairman Bagoff

Second: P. Smeraldo

Alper:	Y	McNair:	Y
Bagoff:	Y	Morgan:	----
Guarino:	Y	Smeraldo:	Y
Jensen:	----	Wilkes:	Y
Klein:	Y	Yes 7 ; Absent	
McCartney:	----		

SWEARING IN

- The Township Professionals, *Mr. Paul Grygiel* (Township Planning Consultant) and *Mr. John Hess*, Town Engineer were sworn in.
- *Mr. Sal A. Jensen* as Alternate #1 to the Planning Board was sworn under oath and *Chairman Bagoff* welcomed him to the Planning Board.

APPLICATION

- **PB 21-10 Altera 769 LLC**

769 Northfield Avenue

Block: 166.15; Lot: 9; Zone: OB-1

Seeking site plan approval with variance relief and improvements to the property with preliminary and final site plan with relief and improvements for the first phase of the property and preliminary site plan for the second phase of this application.

PRESENTATION

EXHIBITS

A1- Colorized Aerial Plan (Dated March 2, 2022)

A2- Colorized Overall Site Plan (Dated March 2, 2022)

A3- Colorized Overall Site Plan – Phase II (Dated March 2, 2022)

A4- Colorized Site Plan – Phase I (Dated March 2, 2022)

A5- Colorized Site Plan - Phase II (Dated March 2, 2022)

A6- Colorized Architectural Planning Set (Dated February 18, 2022)

A7- Colorized Monument Sign (Dated August 5, 2021)

- *Ms. Lisa John-Basta, Esq.* entered on the record on behalf of the applicant.
- *Mr. Joseph Sparone, (Engineer)*, entered on the record, was sworn under oath, credentials were given and was accepted as an expert in the field of Engineering.
- *Mr. Sparone* started his presentation by submitting **Exhibit A1- Colorized Aerial Plan (Dated March 2, 2022)** explaining the existing conditions of site as being “long and narrow” but the building will remain (with internal/external renovations). They will be seeking Topographic relief in regards to site slopes and the Stormwater being confined to Northfield Avenue.
- In Phase I *Mr. Sparone* explained utilizing **Exhibit A2- Colorized Overall Site Plan (Dated March 2, 2022)** that the purpose to bring more modern appearance and features to the site. There will be some exterior enhancements to “look like a brand-new building. This application will also update property to current American with Disabilities Act (ADA) parking requirements. *Mr. Sparone* also referenced the retaining wall and explained that a new wall will be dovetailed and require variance.
- In regards to Phase II, *Mr. Sparone* explained **Exhibit A3- Colorized Overall Site Plan – Phase II (Dated March 2, 2022)** with preliminary approval for this application. This version of the plan would add 56 parking spaces.
- *Mr. Sparone* referenced **Exhibit A4- Colorized Site Plan – Phase I (Dated March 2, 2022)** with a variance request for steep slopes in this application.
- *Mr. Sparone* submitted testimony regarding **Exhibit A5- Colorized Site Plan - Phase II (Dated March 2, 2022)** and Storm Water management and a bio facility study being performed where there is an underground detention facility (Once combined, will meet requirements.)
- At this time, *Ms. John-Basta* and *Mr. Sparone* reviewed Ordinances and the types of Variances being requested.
 - Lot coverage
 - Slope

- Removal of Trees
 - Will comply with *Mr. Hess* and *Mr. Grygiel*.
 - *Mr. Sparone* testified saying confirming of replacing trees being removed.
- Light fall heights
- Parking Variances
 - *Mr. Sparone* testified saying that this is a variance requested for Phase I and II.

BOARD QUESTIONS

- *Mr. Lee Klein* asked in regards to the drop off circulation and whether the gate on the property will be staying. *Mr. Sparone* said that the applicant would prefer to remove the gate.
- *Mr. Klein* asked about the length of the parking spaces. To which *Mr. Hess* said that it is not in the Ordinance, but *Mr. Sparone* said that he is willing to look into that.
- *Mr. Peter Smeraldo* asked if the stalls are going to be elongated, will there be an issue with Ambulance turnaround. *Ms. John-Basta* said that she is unsure how to respond to this question.
- *Mr. Smeraldo* asked about the height of the overhang. To which *Mr. Sparone* said that the Architect would be better suited to answer.
- *Mr. Smeraldo* asked about signage and striping. To which *Mr. Sparone* answered that he is unsure.
- *Mr. Jerry Guarino* asked about pedestrian access. To which *Mr. Sparone* said that they will create and update route including crosswalk. He reiterated again that the rear of the building will be the true access point.
- *Mr. Guarino* asked if there was a plan for “speed calming” on the site. *Mr. Sparone* said that there are landscape islands and to add (i.e. speed bumps) would potentially cause future issues. He confirmed that he will speak to the applicant in regards to this though.
- *Chairman Bagoff* asked if there is going to be a designated delivery space. *Mr. Sparone* said no.
- *Mr. Sal Jensen* asked if there is a way to facilitate deliveries for larger vehicles. *Mr. Sparone* said that for example WB Mason, UPS size trucks are the ones coming and but there is no difference in the proposed structure than the typical office building (not on regular basis).

NO PROFESSIONALS QUESTIONS

PUBLIC ADVOCATE QUESTIONS

- *Mr. Thapar* asked where the trees are being removed. *Mr. Sparone* referenced the demolition and tree removal plan but confirmed that all trees are in the back of the property. *Mr. Thapar* asked about the size of the area effected by steep slope. *Mr. Sparone* said approximately fifteen (15) percent of site is being affected. *Mr. Thapar* asked about the danger of a landslide. To which *Mr. Sparone* said there is no danger based on his expertise and opinion. Retaining walls are existing on this site for that reason.

PUBLIC QUESTIONS

- *Ms. Joyce Rudin (38 Woodland Avenue)* asked what the date of the Aerial plans. *Mr. Sparone* said May or June of 2015.
- *Ms. Rudin* also asked if they could create space in the front as opposed to the back. *Mr. Sparone* said only in the back because it works better. *Ms. Rudin* asked if it could be done. *Mr. Sparone* responded maybe but the decision was made that the rear of the building would be better utilized.
- *Ms. Rudin* asked if they could create a parking structure. *Mr. Sparone* said there was a visual impact of a parking structure being more visible which doesn't make this a positive result.
- *Ms. Rudin* asked what is the need for this property to extend since lot usually empty. *Mr. Sparone* said that this application is to attract more tenants.
- *Mr. Roy Rayburn (10 Metzger Drive)* voiced his support of Phase I of this application.
- *Mr. Kevin Malanga (57 Ridge Road)* asked how many trees in total will be removed. *Mr. Sparone* said in Phase I, 37 minor trees and 39 major trees are going to be removed. In Phase II, 42 minor trees and 50 major trees are going to be removed.
- *Mr. Robert Rashkes (35 Oak Crest Road)* asked if concrete crosswalks could be considered as opposed to the proposed striping. *Mr. Sparone* said that it is an option. *Mr. Rashkes* asked if the sidewalks will have a curb ramp for the handicapped. *Mr. Sparone* responded that the sidewalk will be made even and a curb ramp will take place. *Mr. Rashkes* asked about the existing seating area to which *Mr. Sparone* said that it is proposed to be removed. *Mr. Rashkes* asked about any traffic conflict. *Mr. Sparone* said that there isn't any. *Mr. Rashkes* asked if the speed bumps there are going to be removed. *Mr. Rashkes* answered in the affirmative.

PRESENTATION

- *Mr. Joseph Sparone, (Planner)* entered on the record and was accepted as an expert in the field of Professional Planning.
- *Mr. Sparone* testified that he has visited the site, read the reports, plans etc.
 - In his opinion, this property has very unique characteristics and will have Topographic differences, updated requirements to coordinate with the American with Disabilities Act (ADA). He reiterated again that the main point of the application is to "modernize and revitalize the property". He testified further to opine that no matter where there would have an extent of an issue with the steep slope.
 - *Mr. Sparone* testified in regards to the signage proposed being at six (6) feet which is wider and shorter than the existing sign.

NO BOARD QUESTIONS

NO PROFESSIONALS QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTIONS

- *Mr. Robert Rashkes (35 Oak Crest Road)* asked if a ramp was considered instead of stairs. *Mr. Sparone* said that would be an Engineering question but when looking at the grading of the site, the ramp became unnecessarily long.
- *Mr. Rashkes* asked about there not being a stop sign on the egress. To which *Mr. Sparone* responded that the proposed condition has a stop sign.
- *Mr. Rashkes* then asked if a historical observation ever took place. *Mr. Sparone* answered in the negative but also said that this property is on a county road so Essex County would have to give their approval in regards to this.

PRESENTATION

- *Mr. Lance Blake (Architect)* entered on the record was sworn under oath, credentials were given and was accepted as an expert in the field of Architecture.
- *Mr. Blake* testified utilizing **EXHIBIT A6- Colorized Architectural Planning Set (Dated February 18, 2022)** describing all the materials being utilized. (Replacing the glass, fiber cement material banding, aluminum composite; raising the height existing not high enough for ambulance or other emergency vehicles.)
- *Mr. Blake* testified regarding **EXHIBIT A7- Colorized Monument Sign (Dated August 5, 2021)** and said that it will be illuminated by ground lighting. The only Ordinance for this exhibit is for the width. The facade signs are not part of this application.

BOARD QUESTIONS

- *Mr. Guarino* asked if the final submission of plans will have Electric Charging Stations. In which *Mr. Grygiel* answered in the affirmative because the applicant is now required to do so.
- *Mr. Guarino* asked if the monument sign in the front of the building will be internally lit. *Mr. Blake* said it is a possibility, but at this time the plan is to have lights shining on the monument signage.
- *Mr. Smeraldo* asked in regards to fire safety and whether there is going to be a suppression system on the premises. *Mr. Blake* said that it does not seem to be required in regards to this application.
- *Chairman Bagoff* asked if a light toned (color) roof was a possibility. *Mr. Blake* said that was a possibility.
- *Chairman Bagoff* followed up by mentioned the ramp to which *Mr. Blake* interrupted stating that they will be making it American with Disabilities Act (ADA) compliant.

PROFESSIONALS QUESTIONS

- No Questions from *Mr. Paul Grygiel*
- *Mr. Hess* asked for confirmation that there is no possibility of staining on the monument sign. In which *Mr. Blake* confirmed as requested.

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTIONS

- *Mr. Kevin Malanga (57 Ridge Road)* asked if a Bio-roof was considered. *Mr. Blake* responded in the negative.
- *Mr. Malanga* asked in regards to the rooftop destruction of trees in a preventative manner. *Mr. Blake* said that no additional weight would be possible on the roof.
- *Ms. Joyce Rudin (Woodland Avenue)* asked if in his opinion this is a major renovation. *Mr. Blake* opined and answered in the affirmative. *Ms. Rudin* followed up by asking if he is LEED certified. *Mr. Blake* said that he himself is not, but the firm (Rotwein & Blake Associates) is. *Ms. Rudin* asked for confirmation that the checklist has been filled out, which *Mr. Blake* did as such. *Ms. Rudin* then referenced her initial question and asked if this is a major renovation, why is he not going for LEED certification to which *Mr. Blake* answered that at the cost of the owner, it will not attract tenants in the present condition but with sustainable upgrades he opines that it will.
- *Ms. Rudin* asked if solar panels or energy sufficient landscaping was considered for the property. *Mr. Blake* reiterated his response to *Mr. Malanga* stating that no additional weight would be possible on the roof.
- *Mr. Robert Rashkes (35 Oak Crest Road)* asked if the railing on the sidewalk is going to be going up on the building. To which *Mr. Blake* responded saying that *Mr. Sparone* confirmed during his testimony that this will exist.

PUBLIC COMMENT

- *Mr. Kevin Malanga (57 Ridge Road)* commented that in his opinion the application is incomplete. He urged the applicant to complete to force the forester to enforce the plan.
- *Mr. Robert Rashkes (35 Oak Crest Road)* commented about idling of the "Wish Van" and other vehicles in the lot. He also commented about the van access with the ramp in the back of the building.
- *Ms. Joyce Rudin (Woodland Avenue)* agreed with *Mr. Malanga* in not following Ordinances.

Conditions of Approval (which must be printed on the Final Site Plans)

- Front gates
 - Checklist completed (confirm completion)
 - Proper signage (Submit to Town Planner and gaining approved signage from the West Orange Fire Department)
 - Light coloring of the roof
 - Length of parallel parking spaces/ parking spaces
 - Security Cameras in the front/back of the property
 - Lighting (security lighting); to be utilized during the hours of operation
- *Mr. Hess* after the listing of conditions, said that in regards to the calculations his office finds them sufficient.
 - *Ms. McGovern* asked what the timeline in regards to this application would be. To which *Ms. John-Basta* responded that it would be two (2) years.

Motion: Chairman R. Bagoff
Second: Vice Chairman Wilkes

Alper:	Y	McNair:	Y
Bagoff:	Y	Morgan:	Y
Guarino:	Y	Smeraldo:	Y
Jensen:	Y	Wilkes:	Y
Klein:	Y	Yes ; Absent	
McCartney:	-----		

Meeting adjourned at 10:33PM by *Vice Chairman Wilkes*. Seconded by *Chairman Bagoff*.

ADOPTED: 4/6/2022



Diana L. Chandler
Acting Planning Board Secretary