

**MINUTES  
TOWNSHIP OF WEST ORANGE  
PLANNING BOARD MEETING  
December 4, 2024 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on December 4, 2024 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.

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**PLEDGE OF ALLEGIANCE**

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

**ANNOUNCEMENTS**

- The next Planning Board special meeting will be held **Wednesday, December 11, 2024 at 6:30 P.M.**
- The next Planning Board regular meeting will be held **Wednesday, January 8, 2025 at 7:30 P.M.**

**ROLL CALL**

**PRESENT:** Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. Ken Alper; Mr. John Cardoza; Mr. William Wilkes; Mr. Lee Klein; Mayor Susan McCartney (7:46PM); Mr. Peter Smeraldo (8:20PM); Council president Bill Rutherford; Ms. Lori Kapferer

**ABSENT:** Mr. Christopher Morgan, Sr.;

**ALSO PRESENT:** Diana P. McGovern, Esq., Planning Board Attorney;  
Gerry Haizel, Consulting Town Planner;  
Mr. John Hess, Board Engineer;  
Zayibeth Carballo, Town Engineer  
Jamilet Baquerizo Vite, Planning Board Secretary

**MINUTES & RESOLUTIONS**

PB-24-07-Essex-County-Country-Club-Resolution-Reciding-Site-Plan

**Motion: Chairman Bagoff**

**Second: Mr. Cardoza**

|                         |             |                    |            |
|-------------------------|-------------|--------------------|------------|
| <b>Alper:</b>           | <b>Y</b>    | <b>Morgan:</b>     | <b>---</b> |
| <b>Bagoff:</b>          | <b>Y</b>    | <b>Rutherford:</b> | <b>Y</b>   |
| <b>Cardoza (Alt.2):</b> | <b>Y</b>    | <b>Smeraldo:</b>   | <b>---</b> |
| <b>Guarino:</b>         | <b>Y</b>    | <b>Wilkes:</b>     | <b>Y</b>   |
| <b>Kapferer:</b>        | <b>Y</b>    |                    |            |
| <b>Klein:</b>           | <b>Y</b>    |                    |            |
| <b>Mayor McCartney:</b> | <b>----</b> |                    |            |

10-9-2024-WO-PB-Draft-Minutes

**Motion: Mr. Guarino**

**Second: Chairman Bagoff**

|                         |             |                    |            |
|-------------------------|-------------|--------------------|------------|
| <b>Alper:</b>           | <b>Y</b>    | <b>Morgan:</b>     | <b>---</b> |
| <b>Bagoff:</b>          | <b>Y</b>    | <b>Rutherford:</b> | <b>Y</b>   |
| <b>Cardoza (Alt.2):</b> | <b>Y</b>    | <b>Smeraldo:</b>   | <b>---</b> |
| <b>Guarino:</b>         | <b>Y</b>    | <b>Wilkes:</b>     | <b>Y</b>   |
| <b>Kapferer:</b>        | <b>Y</b>    |                    |            |
| <b>Klein:</b>           | <b>Y</b>    |                    |            |
| <b>Mayor McCartney:</b> | <b>----</b> |                    |            |

**SWEARING IN**

- The Township Professional(s) sworn in.

**APPLICATIONS**

- **PB-24-15 3135WO, LLC**

Block: 141 Lot: 1 Zone: B-1

31-35 Harrison Avenue

The applicant proposes to expand their printing and embroidery business, Uptown Printing, LLC., by constructing a one-story, 2,130-SF addition to the rear of an existing commercial building. The addition will include a new entry on the western frontage, enclosed by an overhead door, for the purpose of receiving deliveries, and shipping orders. *(Applicant has requested to be adjourned to the January 8, 2025 Planning Board regular meeting without further notice.)*

- **PB-24-13 IMMC Health**

993 Pleasant Valley Way

Block: 172.02 Lot: 6 Zone: B-2

The applicant proposes a second-story addition to an existing 1-story commercial building. *(Applicant has requested to be adjourned to the January 8, 2025, Planning Board regular meeting without further notice.)*

- **PB-24-16 Essex County Country Club**

Block: 156 Lot: 1 Zone: R-2

350 Mount Pleasant Avenue

The applicant, Essex County Country Club proposes a number of improvements to an existing pool house building on the subject site. The improvements include the expansion of a covered walkway, construction of an open-air covered bar area with a grill area, expansion of existing patio, and construction of pergola with seating underneath. *(Applicant has requested to be adjourned to the December 11, 2024 Planning Board special meeting without further notice.)*

- **PB-24-06 410 Main St Holding LLC**

Block: 113 Lot: 262, 264 & 308

410 Main Street

The applicant is proposing a 3-story mixed-use development with 12 residential dwelling units above, ground floor parking, and commercial space.

## **PRESENTATION**

- The project planner, Mallory Clark, entered on the record again and testified to the following:
- Ms. Clark stated after having a conversation with the county, they were very clear they would not support any version of a curb cut on Main Street.
- They raised the safety concerns of pedestrians crossing Main Street with the county. The county was in support of the idea of a crosswalk.
- Ms. Clark states they are bringing several benefits with the proposed project. Some of them being significant water detention improvement with the detention system, proposing substantial green roof for additional offset of the coverage variant and substantial sidewalk improvement, specifically on Main Street.
- They have proposed several pedestrian safety measures related to the garage and expanding pedestrian safety improvement across Main Street corridor.

## **BOARD QUESTIONS**

- Mr. Klein asked how does the amount of traffic that the 14 parking spaces would generate differ from the 7 parking spaces south of the property. Ms. Clark said she doesn't think it's significant and states the traffic engineer testified that the estimated traffic generation is 5 trips an hour during peak hours. She believes it wouldn't cause a major disruption to the residents in terms of traffic flow.
- Mr. Klein asked, if we implement a parking permit for residents on Park Drive North and South, how do you think that would improve the situation of the parking along Park Drive North and South. Ms. Clark said if there is friction associated with some neighboring streets already, then the zone parking would improve it.
- Mr. Cardoza asked would the overhead lighting be on both ends of the crosswalk. Mr.

Wine replied there are different designs options. They are going to work with the county about how they want it to be designed.

- Ms. Kapferer asked if the crosswalk is going to be at Ashwood Terrace. Ms. Clark said they haven't definitely set a spot and they would have to work with the county to make sure they are not disrupting the bus stop.

## **NO PROFESSIONALS QUESTIONS**

## **PUBLIC QUESTIONS**

- Susan Lenczyk at Eagle Rock Avenue asked what were you referring to as "unique" when you testified the site has unique features. Ms. Clark said in terms of the major unique feature that comes from a design challenge, it is the topography of the site. It has led to limitations and necessities in how they grade and enter the site at a pedestrian and vehicular egress level.
- Susan Lenczyk at Eagle Rock Avenue asked why a shadow study has not been done. Ms. Clark said a shadow study is not required in the township code nor was it requested.
- Susan Lenczyk at Eagle Rock Avenue asked is it not true that the standard for a setback for a commercial property along main street to a residential property is much different from the standard of setback between residences; she said is it not in fact out of character with the norm. Ms. Clark said its not out of character.
- Susan Lenczyk at Eagle Rock Avenue asked Ms. Clark to explain how is it an appropriate building envelope when the permitted lot coverage s 60% but the proposed building would cover 82% of the lot; she said how is that appropriate for the B2 zone. Ms. Clark said as previously stated, the B2 zoning does not contemplate alternative bulk standards for the conditional use.
- Susan Lenczyk at Eagle Rock Avenue asked for whom do the benefits outweigh the detriments. Ms. Clark said she believes there are improvements that benefits the neighborhood as a whole. As previously explained, the pedestrian crosswalk is a community benefit; the commercial space, which is a public space, is a community benefit; the additional storm water measures that they will be implementing, where they will retain rainwater on site and then slow released into the larger city system and it creates a benefit to the community.
- Sandra Thorney at 2 Park Drive South referred to the comparison of the site with a building from a mile away and asked why did you not compare a building within the exact proximity of the proposed building. Ms. Clark said the objective was to make a comparison, specifically with a mixed-use typology.
- Sandra Thorney asked do you consider the buildings across the street a mixed use. Ms. Clark said she analyzed those buildings for the purpose of the commercial space. Due to some board members wondering if the size of the commercial space would be sufficient, Ms. Clark used the buildings in the immediate area to compare.
- Sandra Thorney asked would you say this proposed building looks like any other building or house to the left, to the right, up and around Park Drive North, South, and West. Ms. Clark said the point of comparison for this is not the residential properties in Park Drive; the zoning is for commercial property so they are looking at the commercial character along the main street corridor. The homes behind the corner property are a completely different zoning use and scale of buildings.
- Sandra Thorney asked what is the setback that is being asked for related to the house that is adjacent to the proposed building. Ms. Clark said it varies since the property line is not straight. The tightest point is a little over 8 feet and the widest point is 13 feet.

- Sandra Thorney asked since there is not going to be a garage entrance on Main Street, turning on Park Drive North and waiting for the garage door to open, would it still not cause significant traffic and hold up. Mr. Wine said it's not that it would cause traffic by putting a curb cut on Main Street he said that the county felt that it would create a traffic concern from a safety perspective as well due to the location of the bus stop.
- Ms. Adams at Park Drive South asked if there is going to be an additional crosswalk near the intersection of Park Drive North or if it's going to replace the crosswalk in front of the Dunkin. Ms. Clark said the proposal is to add one additional crosswalk but they need to coordinate with the county to set the location.
- Ms. Adams asked would it have the warning lights. Ms. Clark said it would have some sort of pedestrian warning system. They are willing to work with the county to go beyond a standard striped crosswalk.
- Ms. Adams asked do you know how long construction will take for his building. Ms. Clark said she cannot say.
- Quincy Kirsch at 5 Park Drive North asked if the speculation on the traffic report is incorrect and we start to have more accidents and more parking problem after the project is finished, what is the recourse. Ms. Clark said if there is an enforcement issue then it goes under the operational body, the division within the town that is responsible for enforcement.
- Quincy Kirsch asked wouldn't we get the same benefits if fewer apartments are built. Ms. Clark said some of the benefits are associated with the size of the building.
- Steven L at 34 Curtis Ave asked if residents park on Park Drive North, would it be a better alternative than any other option. Ms. Clark said from a traffic perspective, yes.
- Rita McPherson at 26 Park Drive South asked why the Applicant can't reduce the size of the building and number of residential units to handle required parking for all the tenants. Ms. Clark said they didn't feel it was a better design outcome, meaning prioritizing space for cars instead of for people is not what contemporary urban design calls for.
- Jeanine Scholz at Main Street asked how many windows are going to be at the South side of the building since the setback to her property is 5 feet. Ms. Clark said there are no windows on the ground floor. The windows on the 2<sup>nd</sup> and 3<sup>rd</sup> floor would have a setback of a little over 10 feet from the property line next to the building. There is a total of 4 windows on that side.
- Love Gaillard at 31 Park Drive North asked what is the plan for the traffic flow during construction. Ms. Clark said typically projects are required to provide traffic plans and pedestrians plans to the town to be reviewed if they have to close off a portion of the sidewalk.
- Micaela Bennett at 35 Old Indian Road asked what is the public benefit to having this building be built. Ms. Clark said they will be implementing a crosswalk across Main Street with additional pedestrian safety measure, they have a storm water detention water system underneath their garage slab, additionally they will have additional improvements from a storm water management standpoint onsite with the addition of the green roof.
- Micaela Bennett asked if the storm water detention is a requirement or is it a public benefit. Ms. Clark said it is a public benefit, not a requirement.
- Micaela Bennett asked would a building of this size cause excess water runoff. Ms. Clark said that is a question for the engineer.
- Micaela Bennett asked is there a way to mitigate the detriment to the community and neighbors due to the size and proximity of the building to their properties. Ms. Clark said they do have landscape screening proposed on that property line and reiterated that the windows are compliant in distance from the zoning line so there is no mitigation that

needs to be made.

- Jeanine Scholz at Main Street asked how is the commercial space beneficial if you don't know what's going to be there. Ms. Clark said activated spaces on ground floors on Main Street is something that generates pedestrian activity and makes the street a more vibrant experience to walk by or a more vibrant neighborhood to live in.
- Love Gaillard asked have you considered the animals and the insects that will be drawn to the landscape. Ms. Clark said the civil engineers, the architects, and the landscape architects that work on this project have professional expertise in terms of plant selection.

## **GENERAL DISCUSSION**

### **PUBLIC COMMENT**

- Susan Lenczyk at Eagle Rock Avenue said until the parking permit and other parking issues are resolved it must be assumed that parking will be a concern. If the variances for this proposed development are approved, the impacts of the neighborhood will be severe regarding parking, safety and quality of life. The proposed setback does not respect the residents of the adjacent property. The traffic engineer did not conduct a traffic study, was unaware of the parking rules on the park drive loop, did not research the number of vehicles owned by the residents of the loop and did not study how many homes and apartment buildings have no off-street parking. Rather, he presented theoretical numbers, theoretical people, vehicles and trips. Your decision has to be based on actual conditions not theoretical ones. We don't object to the property being developed; what is needed is a development that respects the community and it is properly scaled. That scale must be evaluated not based on Main Street but on the Park Drive Loop. We implore you to vote no on the variances.
- Joe Middleton at 4 Ash Wood Terrence said his concern is that some of the community members may be inclined to prove these variances without sufficient scrutiny or concern about how the development will affect the residents in the immediate area. Another concern is that if the property would have been reviewed by the zoning board instead of this committee, it would have likely been denied. Living on Ash Wood Terrence, I already deal with the lack of parking and available space and vehicles speeding up and down the street to avoid the light at Harrison on Main Street. The lack of designated at 410 Main Street will only exacerbate the existing parking shortage. The suggestion of additional parking on Bethany church is impractical, what does "as needed" mean? It is unreasonable to expect 410 Main Street renters to notify management that they will have an extra vehicle and possibly be subjected to an additional charge when they can freely occupy the first available parking spot they see on the street. There is no way you can enforce that arrangement. Overall, there is a lack of consideration on how the lack of side parking will affect the already overcrowded parking situation. In addition to the parking situation, the commercial space is small, 900 square feet; I am underwhelmed at a 900 square foot commercial space and how they are using it to justify the variances. In closing, improving these variances will burden the community and negatively impact my quality of life. The developer is not concerned with the community or how the property will impact its resident. I urge the committee members to consider the residents concerns and vote against the proposed variances.
- Mr. Quincy at Park Drive North said all of us are frustrated with the parking situation in the neighborhood and it's only going to get worse with this project. The only reason I see for putting apartments there is obviously because the landlord is going to get a lot more money with more apartments but it doesn't benefit us in any way. I am only saying to

vote against it because none of us want it. It will be really bad for me because I live really close to the building. With the parking garage, it is only going to get worse because everyone is going to be backing up onto Main Street and I find it hard to believe that any legitimate traffic study couldn't see that is going to be a huge issue.

- Love Gaillard at 31 Park Drive North said I am concerned about the many questions that have not been answered. We have to consider what happens to our property taxes, how does this property benefit West Orange overall. I don't think there is a benefit to West Orange. From what I heard from the people that have testified, it appears that they have openly lied or used deceptive language with non-everyday language speaking to us the public. The narrative of the testifiers used language that was way over most people's heads, which made it difficult to ask questions and get answers. There is open documentation even with the county saying there is a safety concern in that area with increased traffic. There hasn't been an estimate about how long the construction will take, how traffic will be rerouted and how it will affect residents going up the hill during the winter. This allowance of the variances is unnecessary and do not benefit the local residents. I am sure we would welcome a new smaller design with its own parking lot where everyone could fit. We are adjacent to a national park, where Mayor McCartney would give tours and tell us how strongly she feels about how quaint our town is, the history of our town, and the landscape of our town and to approve this, would be disrespectful to how everyone feels. In closing, this would be an interruption to the quality of life so vote no to the variances.
- Ms. Adams at Park Drive South said 170 residents signed a petition to oppose this application, not for petty reason, but we are concerned about our safety and well-being. Most of the board members that visited the site understood our concerns right away. The setback variances created several hazards especially on Park Drive North. A setback of 5 feet is a dangerous situation as it creates a blind corner on Main and forces to wait on the street for the garage door to open. The driveway proximity to Main Street poses several hazards. Collisions at this corner will increase and adverse consequences. With a 25-foot setback, it calls for cars to pull off the road and wait on the driveway and it also eliminates the need for intrusive pedestrian alarms. Residents of the loop should not bear significantly more traffic on roads that is not zoned in B2, that is an adverse consequence. Statistics from the census bureau, in West Orange 98% of household own a car, 79% own two or more, getting to work 54% resident drive, 15 % use public transit. West Orange households average 4 vehicle trips a day; 12 units can generate 48 additional trips a day around the loop not just 7 or 8 during peak hours. Most units will absolutely have more than one car. The parking variance will cause an indefensible adverse consequence. The pitch that tenants will park 600 feet away in an unmonitored and unsecured municipal lot is incredulous, even the Mayor noted that. There is no insurance that Bethany church will provide the additional parking. The resident parking permit system that has been thrown in as a condition, while encouraging, is not an easy fix and has no insurance that it will be implemented. The surveys submitted by the applicant's traffic expert is grossly insufficient. The serious traffic hazards on Main Street must be controlled and be made safer before any large building is constructed. The building is not in the public's interest. No variances should be granted when only the owner benefits. This building would be a substantial detriment to our well-being.
- Barbara Toriello at 3 Park Drive North said the nightmare on Park Drive continues with the parking. From the insufficient traffic, parking and safety studies to the way the public has been continuously shut down for trying to plea our concerns and coming to the

conclusion of don't waste your breath. This project is too big and too unsafe and does nothing at all to make our neighborhood better. Please vote no on these variances.

- Sandra Thorney at 2 Park Drive South said this building doesn't look like any other building in this neighborhood. The request for the bulk variances and setbacks off the building allows for limited privacy of our neighbors, including my own. This building interferes with the neighborhood pattern and does not fit the layout of this neighborhood. Despite what has been proposed with all the additions and changes made according to the opening statement made by the lawyer, it still does not make anything better. In my opinion, it will interfere with the quality of life and there is a lot concerns that has been raised about parking spaces on the street. There is likely to be a hardship among existing residents in the area who struggle with parking and do not have a driveway. The additional parking spaces for the building is still not feasible for the families that will live there. Several questions have been raised and asked and are unanswered for this project. There were no traffic studies, parking studies, or proper solutions by the lawyer. Additionally, the building does not seem to have a percentage of units for low-income families which suggest there's no benefit to the community. Please vote no to the variances.
- Ms. McPherson at 26 Park Drive South said I understand there are parking concerns all around town but I agree with Ms. Adams that there was no traffic survey study conducted nor a parking inventory. On Main Street in front of the school there are vehicles parked alongside the bend which is across the street from the auto body shop, this makes visibility at this point very difficult. This is why cars blow through the pedestrian rapid flashing beacon crosswalk. No one drives the stretch at 25 miles an hour. Just last month a senior citizen was hit on that stretch. The stretch on Main Street between Park Drive North and South was suggested they remove the transit bus stop from the center of two corners closer to Park Drive North to accommodate additional spaces on the street but they are not accounting for the parking rule, no cars shall park 20 feet from an intersection so there will be no parking spaces if they shift. Parking on one side of the loop is hazardous as it is and reiterates that having parking permits and the additional parking lot is a joke. Tenants of the proposed building will not walk two blocks for their car especially in inclement weather. We know its public parking but it's not fair to the residents that don't have driveways and currently have hard time finding parking on the loop. Vote no for the variances. The design of the building will endanger our children, seniors, property, and motorist. This building will cause a substantial detriment to the area.
- Mr. Priestley at 16 Park Drive North said just recently there was an accident that occurred in which one of the seniors was injured, almost on the corner of where the proposed building will take place. There are cars that come regularly speeding up and down the street and it will only be exacerbated by this structure particularly the position of the driveway. I will ask everyone to vote no and to think long and hard as to who the true beneficiary of these variances will be. There are a number of residents in the immediate area that will be impacted, clearly stating that we will be adversely affected. The question should be who truly benefits from these variances. If it's a singular individual like the lease owner, then it doesn't seem as though the balance should weigh in their favor than the rest of the people in the area.
- Jeanine Scholz at Main Street said their property will be and is directly affected not only by the proposed building but by the variances sought out. As a resident directly next to the property I have concerns about the sheer size of the building. As the variances are granted and so is the minimum 10-foot setback for my property line it would be cut

nearly in half to 5.33 feet. That seems to me to be encroaching on my personal space way too much. It would directly disturb my light, air flow, and view. I have listened to all the back and forth between all the parties involved and I don't believe the majority of the views have seen the site and the Park Drive loop itself. I wish all of you would take into consideration the families that have been impacted by this building. It's not that we are opposed to having a structure there, the owner has the right to build at this property. However, he should not be granted any variances for his new building. The building will be adding several more residents and cars to the neighborhood. The loop already struggles with parking and despite with the unofficial traffic survey done, what was reported is not indicative of the traffic we deal with daily, not only by the residents on the loop but by the people that use the loop as a U-turn to get back to Main Street. I will leave you with this, it saddens me that the people that serve this community do not seem to have the residents in their best interest. Please do not grant the variances that allows this cold unaesthetically pleasing building right on our Main Street to go forward. Pick a building within the guidelines that goes with our beautiful town.

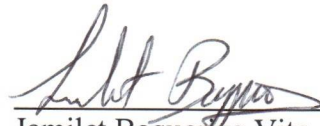
- Marsha Moore at 3 Park Drive South said she agrees with what her neighbors had to say. I believe this building is not respectable to the existing residents here and I would request that you vote no to the variances of 410 Main Street.
- Bill Mills at 11 Park Drive North said he agrees with most of the comments made by his neighbors. This building does not belong in this neighborhood. There is a lot of talks with the planner about what ifs and what should be regarding what the potential location should be and what she felt "a reasonable approach" is. There's too many "I thinks" and not enough truth. The fact is we don't need any variances there; we don't need a building of this scale here. Something more along the line of the scale immediately to the south would make a lot more sense. I don't expect to get back the farm house that was allowed to fall in disrepair and ultimately be bulldozed but something more in line and something safer. Traffic ordinance is not enforced here, people park in illegal zone, too close to the corners, where it makes it difficult for a car to pass, even more so for emergency vehicles. Overall, this is just unreasonable. There's talk about the use of mass transit, everyone I know in this neighborhood uses mass transit or used it in the past, and the fact of the matter is we drive to the mass transit to get into the city. The residents overwhelmingly do not welcome this and as the board members representing the resident of the town, I feel it's your duty to vote no to these variances.
- Rachel Mills at 11 Park Drive North said to our representatives the need for so many variances tells you that this building does not belong in this neighborhood or this town. Affecting negatively the quality of our lives to which we pay very high taxes for. As you are representing us, your consideration will be appreciated. This proposed building, the traffic congestion will be epic when you think of UPS, Amazon, Post Office, all kinds of other deliveries, school buses, and functionality of the garage that is proposed simply blows the mind to try to understand how that will look for the future. We will be very thankful in the future to see how you are representing us. We vote no for this monstrosity of this building.
- Steven L at 30 Curtis Avenue said something everyone should be aware of is that this need to be approved. From my understanding of the zoning, this is zoned for commercial use so that means someone can build a store and as long as they within no variances, they can build a dunkin or a 7/11 without needing any of the zoning board approval assuming they are keeping to all the offsets and necessary variances. I think one risk in pushing away this project is if another project comes up that has no variances, it is a lot worse for the community that can be built without the ability of anyone to counter assuming there's

no variances necessary. I think everyone should think about what the alternative is and is there an alternative that is much worse in this scenario that wouldn't require board approval and could create more traffic.

**\*The Application has been carried to the next Planning Board special meeting on December 11, 2024 without further notice\***

**Meeting adjourned at 10:56PM.**

**ADOPTED:** 2/5/25

  
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Jamilet Baquerizo Vite  
Planning Board Secretary