

ROCKLEDGE REALTY CO., LLC

RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF WEST ORANGE

Granting amended site plan approval with a C-2 variance to relocate approximately twenty parking spaces in order to install a rock fall barrier.

WHEREAS, the Planning Board of the Township of West Orange, at a meeting held on March 5, 2003, considered the application for amended site plan approval with a C-2 variance to relocate approximately twenty parking spaces in order to install a rock fall barrier, on property located in the R-G Zone, identified as Block 80.03, Lot 36, which was submitted by RockLedge Realty Co., LLC (the "Applicant"), through its attorneys, Lasser, Hochman, LLC (John Wenzke, Esq. appearing); and

WHEREAS, the Planning Board considered the presentation of John Wenzke, Esq., attorney for the Applicant; and heard and considered the testimony of Richard J. Adelsohn, the Applicant's engineer/planner (licensed in New Jersey as an engineer and as a professional planner, and qualified in both capacities by the Board); and considered the slope stabilization/partial site plan, slope stabilization/details, and slope stabilization/slope sections, all dated August 8, 2002, and revised September 19, 2002; and considered the other exhibits submitted by the Applicant; and heard and considered questions and comments by

Board members and by the Board experts, as shall appear in the Board's minutes and/or a transcript of the hearing for the meeting of March 5, 2003; and

WHEREAS, a complete application has been filed, all fees required by Ordinance have been paid and it otherwise appears that the jurisdiction and powers of the Planning Board have been properly invoked and exercised; and the Board having conducted a vote on this application on March 5, 2003; and

WHEREAS, the Applicant requested amended site plan approval with a C-2 variance to relocate approximately twenty parking spaces and to install a rock fall barrier;

NOW, THEREFORE, does the Planning Board of the Township of West Orange make the following findings of fact and conclusions of law with regard to this application:

1. This is an application for amended site plan approval with a C-2 variance to relocate approximately twenty parking spaces and to install a rock fall barrier.

2. The Board reviewed the slope stabilization/partial site plan, slope stabilization/ details, and slope stabilization/slope sections, submitted to the Board by Richard J. Adelson, the Applicant's engineer/planner, which plans are dated August 8, 2002, and revised September 19, 2002.

3. The Board has recommended and the Applicant has agreed to the following additional conditions of approval:

(1) The two trees removed as part of the relocation of the twenty parking spaces shall be replaced by two trees of similar type and of approximately four inch diameter;

(2) Site Plan Approval, as necessary, of the proposed development will be obtained from the Essex County Planning Board;

(3) Soil erosion and sediment control certification, as necessary, will be obtained from the H-E-P Soil Conservation District;

(4) All landscaping shall be planted in accordance with the approved landscape plan and shall be maintained in healthy and vigorous condition; all plants, shrubs, and trees that die shall be replaced with landscape materials of equal or better quality;

(5) All findings of fact and conclusions of law set forth herein are deemed conditions that are binding on the Applicant;

(6) Before a Temporary or Final Certificate of Occupancy/Approval can be issued, the Applicant shall

submit proof to the West Orange Director of Planning that all real estate taxes are paid and current; and

(7) Before a Temporary or Final Certificate of Occupancy/Approval can be issued, the Applicant shall execute and submit to the West Orange Director of Planning, an Affidavit of Compliance certifying that all conditions of approval agreed to by the Applicant and set forth herein have been fulfilled and satisfied.

NOW, THEREFORE, BE IT RESOLVED that this amended site plan with a C-2 variance to relocate approximately twenty parking spaces and to install a rock fall barrier is approved in accordance with the slope stabilization/partial site plan, slope stabilization/details, and slope stabilization/slope sections, subject to the conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the following requested C-2 variance is granted:

Maximum fence (barrier) height allowed is 6 feet; an 8 foot height is proposed; approved.

The Applicant's engineer/planner, Richard J. Adelsohn, testified and the Board found through his testimony that the C-2 variance could be granted because the purposes of the Municipal Land Use Law, specifically (i) promoting public safety and general welfare, (ii) providing adequate light, air, and open

space within the constraints of the existing site conditions, and (iii) promoting a desirable visual environment through design arrangements, would be advanced; that the benefits of the variance would substantially outweigh any detriments and that there would be no detriment to the public good because public safety would be enhanced by an 8 foot high rock fall barrier and the barrier would not be visible offsite and would have no impact on the neighborhood or community; and that granting the variance would not substantially impair the intent and purpose of the zoning ordinance because the 8 foot height of the barrier provides greater safety than a barrier of 6 foot height, and such public safety purpose is consistent with the intent and purpose of the West Orange zoning ordinance.

The foregoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.

Elizabeth Visone

Elizabeth Visone, Board Secretary
Planning Board of the Township
of West Orange

Dated: 04/09/03