



TOWNSHIP OF WEST ORANGE

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PLANNING AND DEVELOPMENT

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SAMUEL A. SPINA
Mayor

SUSAN BORG A.I.A.
Planning Director

October 20, 1997

Philip D. Neuer, Esq.
1875 McCarter Highway
Newark, NJ 07104

RE: PB-97-18 / Fan and Jade, Inc.
468-470 Eagle Rock Avenue
Preliminary and Final Site Plan

Dear Mr. Neuer:

Enclosed please find a copy of the resolution that was adopted at the October 8, 1997 West Orange Planning Board meeting. Please submit eight (8) copies of revised plans for final signatures. Signed plans are required prior to the issuance of building permits. If you have any questions, please let me know.

Yours truly,

Migdalia Wagner
Planning Board Secretary

Enclosure

cc: Thomas Biondi, Construction Official
Director Leonard Lepore, Municipal Engineer
Kim Ragoni, Zoning Officer
George Minish, Esq.

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PB-97-18

PLANNING BOARD RESOLUTION
GRANTING WAIVERS
AND
APPROVING THE
SITE PLAN APPLICATION
SUBMITTED BY FAN AND JADE, INC.
FOR PROPERTY LOCATED AT
468-470 EAGLE ROCK AVENUE
BLOCK 153, LOTS 6.01 AND 38
ZONE B-2

WHEREAS, the Planning Board of the Township of West Orange, at its meeting held on September 3, 1997, considered the Application for Waivers of certain requirements of the West Orange Zoning Ordinance and the West Orange Site Plan Ordinance, which application was submitted by Fan and Jade, Inc. (the "Applicant"), through its attorney, Philip D. Neuer, Esq; and

WHEREAS, the Planning Board also considered the concurrent application for Site Plan Approval; and

WHEREAS, the Planning Board considered the Application, the Amendment, the Second Amendment and the Third Amendment to the Application, Drawings A1, A2 and A3 prepared by J. Arthur Johnsen, R.A., P.P., with a most current revision date of 02 October, 1997, the presentation of Philip D. Neuer, Esq. and the testimony of J. Arthur Johnsen, R.A., P.P., who was qualified as an expert in the field of architecture and professional planning; and

WHEREAS, the applicant sought the following waivers:

1. The requirement to file an Environmental Impact Statement; and
2. The requirement to file a Traffic Study.

WHEREAS, the general public having been given an opportunity to be heard; and

WHEREAS, the Planning Board made the following finding of fact:

1. The Applicant is continuing the existing use as a restaurant on this site.
2. The proposed expansion of the restaurant will comply with all Bulk and Use Requirements of the West Orange Zoning Ordinance.

3. The increase of ninety-eight (98) seats will have a *de minimus* impact upon traffic along Eagle Rock Avenue.

4. The site is already improved and there will be no additional environmental impacts as a result of the proposed construction.

5. Upon granting the waivers, the Application will comply, in all respects, with the West Orange Zoning Ordinance and the West Orange Site Plan Ordinance.

6. The Waivers can be granted in this case due to status of this site as having been substantially improved for many years.

NOW, THEREFORE, BE IT RESOLVED, that, conditioned upon approval of the Site Plan for the property known and designated as 468-470 Eagle Rock Avenue and also being designated as Lots 6.01 and 38 in Block 153 on the Municipal Tax Maps, the Application for Waivers of the requirements to submit an Environmental Impact Statement and a parking study, be and the same are hereby granted.

BE IT FURTHER RESOLVED, that as this Application now complies with the West Orange Zoning Ordinance and the West Orange Site Plan Ordinance, the Site Plan consisting of Drawings A1, A2 and A3 revised through 22 August, 1997, be and the same is hereby approved, subject to the following conditions:

1. There will be no events conducted outside of the building.
2. The Applicant will install either striping and an arrow or a sign or both to direct that there shall be no left turns exiting the property from the westerly driveway.
3. The Applicant will comply with the requirements of the Municipal Engineer, Mr. Leonard Lepore, with respect to the lighting which is installed at the front of the building and which is directed toward the back of the property. The Applicant shall either redirect the lights downward or, if this does not prove satisfactory, then replace the lighting heads, all to the reasonable satisfaction of the Municipal Engineer.
4. The Applicant will install the landscaping as shown on the Site Plan, as well as the additional landscaping set forth on the attached Summary which was prepared as the result of a site inspection conducted with the Director of Planning, Susan Borg.
5. The Applicant shall be responsible for the payment of the required sewerage fee based upon the increased number of seats in the restaurant, the developer's fee and any and all other fees mandated by Ordinance in the Township of West Orange.

BE IT FURTHER RESOLVED, that the provisions of the prior Resolution affecting this property, which was adopted July 3, 1985, which: (i) required the change of a driveway entrance from Eagle Rock Avenue to Rosney Terrace; (ii) limited the capacity of the premises

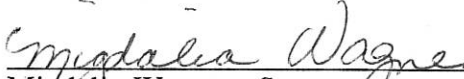
to one hundred thirty-five (135) seats; and (iii) required outside grease traps to be installed, be and the same are hereby eliminated subject to the following:

1. The maximum number of seats allowed in the restaurant is now two hundred thirty-four seats (234).

2. The continued use of grease traps which are located inside the building is subject to review and approval by the West Orange Health Department, the West Orange Plumbing Department and the West Orange Engineering Department. The operation of the restaurant is, in all respects, subject to the jurisdiction of the West Orange Health Department.

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

Dated: October 8, 1997


Migdalia Wagner, Secretary