

RESOLUTION

Township of West Orange

Planning Board

PB 23-04 Redwood, LLC / 200 Pleasant Valley Way

Block: 151 Lot: 33; Zone: IHO-2/R-2

Decided on June 7, 2023

Memorialized on July 5, 2023

Preliminary and Final Major Site Plan Approval

WHEREAS, Redwood, LLC (Hereinafter the “Applicant”) has made an application for a Preliminary and Final Major Site Plan approval for the development of an inclusionary multifamily residential development, located at 200 Pleasant Valley Way, also known as Block: 151; Lot 33, in the IHO-2/R-2 Zone; and

WHEREAS, a properly noticed public hearing was conducted on June 7, 2023; and

WHEREAS, the Applicant was represented by William M. Dimin., Esq.; and

WHEREAS, the Applicant provided testimony by Shawn Delaney, P.E., a Civil Engineer licensed in the State of New Jersey whose credentials were accepted by the Board; and

WHEREAS, the Applicant provided testimony by Arthur Michels, R.A. an Architect licensed in the State of New Jersey whose credentials were accepted by the Board; and

WHEREAS, the Applicant submitted the following documents to the Board in the form of the application package:

ITEM	SIGNED BY	DATE/REVISION
Boundary and Topographic Survey	Gregg A. Gaffney, P.L.S.	12/17/2018
Site Plan (16 Sheets)	J. Michael Petry, P.E., P.P., R.A.	3/7/2023 revised 5/4/2023
Architectural Plans (6 Sheets)	Keith A. Michels, A.I.A.	3/9/2023
Natural Features Map	J. Michael Petry, P.E., P.P., R.A.	3/7/2023
Truck Movement Plans (3 Sheets)	J. Michael Petry, P.E., P.P., R.A.	4/14/2023
Stormwater Management Report	J. Michael Petry, P.E., P.P., R.A.	3/7/2023

Stormwater Management Facility Maintenance Plan Manual	J. Michael Petry, P.E., P.P., R.A.	3/7/2023
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WHEREAS, representatives of the public asked questions of the witnesses and had an opportunity to offer statements regarding the application; and

WHEREAS, the Board reviewed and considered the application, testimony and documents submitted therewith; and

WHEREAS, the Board also considered the input of its professionals at the hearing; and

NOW THEREFORE, the Board makes the following findings of fact, based upon the evidence presented at its public hearings, at which a record was made:

1. The Applicant is requesting preliminary and final site plan approval to construct a multifamily residential building and related improvements with no variances on property located on the east side of Pleasant Valley Way.
2. The plans and testimony demonstrated that the proposed building would have four residential stories over one level of parking and include 142 apartment units of which 28 will be set aside for low- and moderate-income households.
3. The property was previously developed with non-residential uses but has been vacant for over a decade, and although there have been prior approvals granted for multifamily residential use on the property, no developments were constructed.
4. The property is located in the R-2 Residential Zone and the IHO-2 Inclusionary Housing Overlay Zone, and its total area is 5.91 acres.
5. The site is a flag lot with approximately 63 feet of frontage on Pleasant Valley Way and the lot's "stem" (Or driveway) is over 550 feet long and is over 60 feet wide for most of its length, except for a 115-foot-long section that is 38 feet wide.
6. The Peckman River runs along the western edge of the main, rear portion of the site and there are a mix of land uses in the vicinity of the site with the Montclair Golf Club bordering the site on the north and east and a vacant Township-owned parcel bordering the rear portion on the site on the south. Brighton Gardens assisted living facility is located to the west of the main portion of the site and to the south of the stem. Other nearby uses include a nursery, a house of worship, a nursery school, a fire station, and senior housing to the south and single family residential to the southeast and west.
7. Pleasant Valley Road is a four lane Essex County Road (Route 636) in front of the subject property and there is no sidewalk on the east side of Pleasant Valley Way in the vicinity of the site (Though there is a sidewalk on the west side of the street.)
8. The proposed affordable housing units are required to comply with the bedroom distribution requirements of the West Orange Land Use Regulations based on State Regulations and will include four (4) one-bedroom units, sixteen (16) two-bedroom units, and eight (8) three-bedroom units.

9. The market rate units will consist of eight (8) one-bedroom with den units, twenty (20) two-bedroom units, seventy-four (74) two-bedroom with den units and twelve (12) three-bedroom with den units.
10. The building will have parking and service areas on the ground floor which will be partly below grade, the lobby, amenity spaces, a pool deck, and residential units on the first floor, additional amenity spaces and residential units on the second floor and residential units on the third and fourth floors.
11. Vehicular and pedestrian access is provided from Pleasant Valley Way via a new two-way driveway and sidewalk on the south side and the existing bridge over the Peckman River will be replaced with a new prefabricated bridge that will be highway loading rated.
12. The project would require 284 parking spaces and the Applicant is providing a total of 338 parking spaces with 168 spaces at grade and 170 spaces below grade (Interior). Of those parking spaces, there will be 6 ADA compliant spaces in the front of the building. There will be eleven parking spaces labeled as "15-minute parking" for deliveries, ride share services and other short term parking needs. Eight visitor parking spaces are provided to the right of the front entrance and there are seven parking spaces that are designed for tenant loading and unloading which will be labeled as "No overnight parking."
13. There are a total of 42 Electric Vehicle Parking Spaces, with 26 of those Electric Vehicle parking spaces located in the interior section. As per State Statute, 1/3 of the parking spaces will be installed before the Certificate of Occupancy is issued, 1/3 will be installed within 3 years from the date the C.O. is issued and the remaining 1/3 of the spaces will be built within 6 years of the issuance of the C.O.
14. There is bicycle parking located in the front of the building and bicycle storage is located in the interior garage.
15. There are two signs identifying the building, one at the entrance near Pleasant Valley Way and the other at the bridge where the road splits. Both signs will comply with the maximum sign size allowed.
16. The storm system will channel water runoff to two sub basins with one located at the north consisting of 550 linear feet of pipe and 4,185 cubic feet of storage and which will collect runoff and release the storm water slowly into the ground and the other comprised of 680 linear feet of pipe with 9,100 cubic feet of storage to control peak flow.
17. All new utilities will be installed and there will be two separate water service lines, one for residence use and one for the fire hydrants.
18. The lighting will be all new LED fixtures and will be installed down the driveway and around the perimeter of the parking lot with additional bollard lighting at the main entrance.
19. The landscape plans call for a total of 42 trees to be removed with 23 trees to be removed along the main entrance driveway and to accommodate the sidewalk to

Pleasant Valley Way. Nineteen additional trees scattered along the main building area will also be removed but none will be removed along the Peckman River. Seventy-four (74) new trees will be planted, which is in excess of what is required under the ordinance.

20. All refuse will be collected internally and when the trucks arrive to collect the garbage the trash containers will be wheeled out and unloaded into the trucks.
21. Applicant offered testimony that the postmaster has no objection to the interior mail room.
22. The plans submitted fully comply with the requirements of the overlay zone with the exception of the request for three (3) design waivers: to install a twenty (20') foot light pole (Instead of an 18' pole) so to provide lighting to the entire parking lot without the need to install additional light poles inside the parking lots, to be relieved of submitting an Environmental Impact Statement because the DEP has already issued a determination, and to submit staging plans because such plans are not applicable as the project will be built with continuous construction.
23. N.J.S.A. 40:55D-46a. and b. and N.J.S.A. 40:55D-50a. govern the Board's review of the preliminary and final site plan application. N.J.S.A. 40:55D-46a provides that an "ordinance requiring site plan review and approval shall require the developer submit to the administrative officer a site plan and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary site plan approval have been met." N.J.S.A. 40:55D-46a further provides that "The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient." N.J.S.A. 50:55D-46b provides that "if the planning board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development" and "the planning board shall, if the proposed development complies with the ordinance and this act, grant preliminary site plan approval." N.J.S.A. 40:55D-50a. provides that final site plan approval "shall" be granted if the detailed drawings, specifications, and estimates of the application conform to the standards of all applicable ordinances and the conditions of preliminary approval. As such if the applicant meets the standards set forth in the ordinances, the planning board lacks the authority to deny approval of the site plan and subdivision. N.J.S.A. 40:55D-50a; PRB Enters., Inc. v. S. Brunswick Planning Bd., 105 N.J. 1, 7 (1987); Dunkin' Donuts of N.J., Inc. v. Twp. of N. Brunswick Planning Bd., 193 N.J. Super. 513, 515 (App. Div. 1984).

Conversely, if the application does not comply with all ordinance requirements, the Board must deny approval. Cortesini v. Hamilton Planning Board, 417 N.J. Super. 201, 215 (App. Div. 2010). However, there are two exceptions: (1) The first exception is

where an application does not comply with all ordinance requirements but the Board grants relief in terms of variances or exceptions. In that case, the Board then must review the application against all remaining ordinance requirements and grant approval if the application complies with all such remaining requirements.

NOW, THEREFORE, based upon the foregoing findings of fact, the Board reaches the following conclusions of law:

1. This application requires Preliminary and Final Major Site Plan approval with three waivers.

NOW THEREFORE be it resolved by the Planning Board of the Township of West Orange that preliminary and final site major plan approval for the construction of a multifamily residential building with related improvements for property located at 200 Pleasant Valley Way, Block 151, Lot 33, is granted as follows:

1. Preliminary and Final Major Site Plan approval is granted to Redwood LLC in order construct a multifamily residential building with related improvements consisting of 142 apartment units, of which 28 units will be set aside for low and moderate-income households.
2. Waivers granted are from the requirement to submit development stages or staging plans, from the requirement to submit an environmental impact statement and to permit a light fixture mounting height of twenty (20') feet whereas a maximum light fixture mounting height of eighteen (18') feet is permitted.

AND IT IS FURTHER RESOLVED that the above approval is subject to the following terms and conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land disturbance or construction but excluding interior renovations, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals.
2. If another governmental entity or agency grants a waiver or a variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.
3. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are

materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successor or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.

4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.
5. The Applicant shall pay all outstanding taxes, tax liens, application fees and technical review fees, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of the notification or this approval shall be deemed withdrawn.
6. All notes included in the approved plans, including notes required by this Resolution, shall be deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution.
7. Applicant agrees to comply with the recommendations and directives set forth in the reports of the Township Engineer and Planner.
8. Applicant shall list all conditions of approval onto a final site plan submission.
9. The pump house capacity will be reviewed by the Construction Official, and Applicant will work to ensure that the capacity provided is sufficient.
10. The proposed landscape plan must use trees and other plantings native to the area and must be maintained and replaced in kind in the event that any tree or shrub dies.
11. The property owner will maintain the driveway up to its intersection with Pleasant Valley Way.
12. The DEP approval letter must be supplied to the Building and Planning Department.
13. Applicant will provide the West Orange emergency services (Fire, Police, EMS etc.) with wireless fobs or other technology to allow access to the site in the event a gate is installed.
14. The two signs identifying the property may be up-lighted and illuminated from dusk to dawn and the sign closest to Pleasant Valley Way may not spill over or interfere with traffic on Pleasant Valley Way.
15. Applicant must use the colors and materials shown in the color rendering submitted to the Board in the design of the project.
16. Any flat roof that is installed shall be of a light color and any interior flat area intended to be constructed of pavers shall also be a light color so as reduce heat emissions.
17. AED (Defibrillator) devices must be placed and maintained at the pool and gym area.
18. The "Siamese" fire connection may not be blocked with any plants or landscaping.
19. The appliances used in all the apartment units shall be the same make, model, and quality but in the event of a supply chain or other limitation as to a specific model, any

substituted models must be of the same quality and size and must be distributed evenly between market rate and affordable housing unit apartments, the distribution of said units shall be approved by the Building Code Official.

20. Applicant shall use cool pavement materials for construction of the parking lot.
21. Access to the flat roof areas for fire, mechanical repairs or other technical issues must be by an internal staircase.
22. Detention basins shown on the plans must be maintained by the property owner in perpetuity.
23. Applicant must install and maintain an emergency generator.
24. Surveillance cameras must be shown on the plans.
25. While not a condition per se, the Board recommends that the County Planning Board review and study the traffic at the site, specifically the location of crosswalks and sidewalks.

The undersigned secretary certifies the decision set forth herein was made by this Board on June 7, 2023, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on July 5, 2023.

Jamilet Baquerizo Vite, Planning Board
Secretary

Vote Action Taken by the Board on June 7, 2023:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper			X			
J. Guarino			X			
L. Klein						---
S. McCartney			X			
J. McNair			X			
C. Morgan			X			
P. Smeraldo			X			
W. Wilkes						---
S. Jensen						---
J. Cardoza		X	X			
R. Bagoff		X	X			

Vote on Memorialization on July 5, 2023:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper						
J. Guarino						
L. Klein						---
S. McCartney						
J. McNair						
C. Morgan						
P. Smeraldo						
W. Wilkes						---
S. Jensen						---
J. Cardoza						
R. Bagoff						