

TOWNSHIP OF WEST ORANGE APPLICATION FORM FOR THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

A. APPLICANT INFORMATION

Full Legal Name: Daughters of Israel Geriatric Services Urban Renewal, Inc.

Mailing Address: (Last) 651 W. Mount Pleasant Avenue (First) Livingston NJ 07039

Telephone Number: (973) (Street) 530-3961 (City) Email: haroldc@jchcorp.org (State) (Zip)

Is the Applicant an: ☐ Individual, ☒ Corporation, ☐ Partnership, ☐ Other

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached. Not applicable - applicant is a not-for-profit corporation

Relationship of the applicant to the property: ☐ Owner, ☐ Tenant or Lessee, ☐ Purchaser under contract
(with consent of owner, [] Other (please specify) See attached

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☐ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: See attached

Address:

Telephone Number: () Email:

C. PROPERTY INFORMATION

Street Address: 748-750 Northfield Avenue, West Orange, NJ 07052

Block Number(s): 165 ; Lot Number(s): 16 ;

Tax Plate: 43.01 ; Zone of Property: R-2

The location of the property is approximately 200 feet from the intersection of
Northfield Avenue and Vizcaya Boulevard (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?

☒ Yes, Date(s): June 17, 1975 (approval for Site Plan and Subdivision)
October 10, 2012 (approval for Amended Site Plan) ; ☐ No

If yes, please attach copies of the written decisions adopted by the Board to each application.

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☒ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☒ Variance "C1" Reason: ☒ shape of property; ☒ physical features; ☐ exceptional situation.
- 4) ☐ Variance "C2".
- 5) ☐ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☐ Site Plan: ☐ preliminary; ☐ final; ☐ preliminary and final; ☐ with variances; ☐ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☐ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list. See attached

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

E. DESCRIPTION OF PROPERTY

Existing Use of the Property Multi-family residential-affordable senior citizen rental housing apartment building

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)

To replace an existing freestanding sign and replace it with a new freestanding sign.

The property is 174,872 (square feet); 4.0145 (acres)

Impervious Surface Coverage: Present: 92,089 sf; Proposed: No change

Building Coverage: Present: 34,687 sf; Proposed: No change

Is the property located:

- | | | |
|--|---|--|
| Within 200 feet of another municipality? | ☐ Yes | ☒ No |
| Adjacent to an existing or proposed county road? | ☒ Yes | ☐ No |
| Adjacent to other county land? | ☐ Yes | ☒ No |
| Adjacent to a state highway? | ☐ Yes | ☒ No |

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY: Jay J. Rice, Esq.

Telephone Number: (973) 618-0400 Email: Jrice@nagelrice.com

Address: Nagel Rice LLP, 103 Eisenhower Parkway, Roseland, NJ 07068

APPLICANT'S ENGINEER:

Telephone Number: () Email:

Address:

APPLICANT'S ARCHITECT: Stephen Majewski A.I.A.

Telephone Number: (973) 762-7792 Email: steve@majewskiarchitecture.com

Address: Majewski Architecture, LLC, 20 Valley Street, Suite 210, South Orange, NJ 07079

APPLICANT'S PLANNER:

Telephone Number: () Email:

Address:

OTHER EXPERT(S):

Telephone Number: () Email:

Address:

If necessary, please list any additional experts below, including address, telephone number and email address.

G. REQUIREMENTS FOR VARIANCES

- 4A) Please attach a written statement labeled "PROPOSAL", describe the major elements of your proposal, and describe in detail the physical and use changes proposed.
- 4B) Please attach a written statement labeled "REASONS FOR RELIEF", which fully answers 4C-1, 4C-2 or 4D (Special Reasons) AND part 4E (Negative Criteria).
- 4C-1) *(For C1 variances only)* The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- 4C-2) *(For C2 variances only)* State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- 4D) *(For D variances only)* State the special reasons under *N.J.S.A 40:55D-70d* affecting this property.
- 4E) The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION
Sign Design Details, Area Map, Sign Floor Plan & Elevation	Prepared by Stephen Majewski, ATA	September 10, 2021
Survey	Dennis P. Burkhard, PLS	April 29, 2019

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

J. VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Daughters of Israel Geriatric Services Urban Renewal, Inc.

Applicant's Signature: By [Signature] Date: 5/8/2023

CONTINUANCE

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statute time limit, the applicant grants permission for such an extension.

Daughters of Israel Geriatric Services Urban Renewal, Inc.

Applicant's Signature: By [Signature] Date: 5/8/2023

OWNER'S AUTHORIZATION - MUST BE SIGNED

I hereby certify that I ~~reside~~ have offices at 901 Route 10 East
in the County of Morris and the State of New Jersey;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 165;
Lot(s) 15 on the Tax Map of West Orange which property is the subject of the above
application, and that said application is hereby authorized by me. Furthermore, I authorize inspection of the site
which is the subject of this application.

JCF 760 Northfield Avenue, LLC

Owner's Signature: By Howard Reemer CFO Date: 5/8/23

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.

Daughters of Israel Geriatric Services Urban Renewal Inc.

**Application to the West Orange Planning Board
or Zoning Board of Adjustment**

**For C1 Variance Relief for New Street Signage
Jewish Federation Plaza, 748-750 Northfield Avenue, West Orange**

PROPOSAL

Daughters of Israel Geriatric Services Urban Renewal, Inc. (DIGSUR) is a nonprofit organization which owns the property located at 748-750 Northfield Avenue in West Orange, New Jersey. The property is the location of Jewish Federation Plaza which has provided 134 units of affordable housing for low-income senior citizens and the disabled for more than 40 years since it opened its doors on October 1, 1980 (the building has 135 apartments in total, including one occupied by the live-in superintendent).

Jewish Federation Plaza consists of four (4) structures connected by a promenade across the fourth floor of all four (4) structures. In addition to residential apartments, one of those structures – known as “Building #4” – also contains a commercial kitchen, a community/dining room, the management offices and a superintendent’s workspace on its Ground Floor. Residents receive transportation for groceries, shopping and other trips, meals on-site five (5) days per week and participate in a range of social, physical and other recreational activities in the building.

There are two (2) driveways that vehicles may use to reach the Jewish Federation Plaza apartment building and to exit the property. One driveway is at 750 Northfield Avenue, between the Jewish Community Center of MetroWest (JCC) located at 760 Northfield Avenue to the west and the PNC Bank branch located at 746 Northfield Avenue to the east. The other driveway is the JCC’s driveway, which allows a vehicle to approach the building from one of two openings at the border between Jewish Federation Plaza and the JCC at top of the property. DIGSUR has deeds of easement from the JCC for vehicles to use the JCC’s driveway at 760 Northfield Avenue as well as the small portion land at the bottom of the 750 Northfield Avenue driveway that the JCC owns (which is the land on which the sign the applicant is looking to replace, the subject of this application to the West Orange Board of Adjustment, is located).

The proposed project involves the removal of an existing freestanding sign identifying the Jewish Federation Plaza property at street level at the bottom of the driveway on Northfield Avenue and replacement with a new freestanding sign. By way of comparison:

- Both the existing sign and the new proposed sign are two-sided;
- Both the existing sign and the new proposed sign would be located at the same distance from the public sidewalk (approximately 10 feet);

Daughters of Israel Geriatric Services Urban Renewal Inc.

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**For C1 Variance Relief for New Street Signage
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- The new proposed sign would have a masonry base with an attractive stone veneer one (1) foot eight (8) inches high while the existing sign has a plastic base with a non-descript monochrome veneer two (2) feet three (3) inches high;
- The new proposed sign would be four (4) feet seven (7) inches wide while the existing sign is three (3) feet wide.

New landscaping will be installed and reduced to low plantings that do not obscure the new sign. In order to increase visibility to traffic going either way on Northfield Avenue, one existing tree of approximately two feet in diameter would be removed.

Daughters of Israel Geriatric Services Urban Renewal Inc.

**Application to the West Orange Planning Board
or Zoning Board of Adjustment**

**For C1 Variance Relief for New Street Signage
Jewish Federation Plaza, 748-750 Northfield Avenue, West Orange**

REASONS FOR RELIEF (C1 Variance)

C1 variance relief should be granted from the requirements of the West Orange Land Use Regulations related to Signs in Chapter XXV, Article I, Section 25-15 due to the physical constraints of the property. At the bottom of the driveway where the existing sign is located and the new sign would be installed, 748-750 Northfield Avenue has a very narrow street frontage, a steep slope and limited visibility for traffic in either direction.

More specifically:

- Section 25-15.3b.7 requires that signage cannot be situated closer than 40 feet to any street or property line. However, given the narrowness of the street frontage on Northfield Avenue and the location of the buildings and signage of the adjacent property owners, especially the Jewish Community Center of MetroWest ("the JCC") on one side, which has an enclosed play area just off the street, signage that far back would clearly not be visible from Northfield Avenue.
- Section 25-15.4c requires that all signs over six (6) square feet be erected either with the bottom of the sign at least eight (8) feet above the level of the road centerline or at least fifty (50) feet from the side of any street or driveway intersection. As is noted above, a sign that is fifty (50) feet back from the centerline of Northfield Avenue would not be visible from Northfield Avenue. A sign that is eight (8) feet above the centerline of Northfield Avenue would be much, much higher off the ground than the existing sign and signs of surrounding businesses (such as the PNC Bank sign on the property next door to Jewish Federation Plaza) and is not necessary for visibility.

Attachment to Application for Variance
Of
Daughters of Israel Geriatric Services Urban Renewal Inc.

Relationship of Owner to the Property/Property Owner

Applicant Daughters of Israel Geriatric Services Urban Renewal Inc. holds an easement as to the real property where the sign that is the subject of this Application is and where the proposed new sign will be located. The owner of the easement area is:

Owner's Name: JCF 760 Northfield Avenue, LLC
Address: 901 Route 10 East, Whippany, New Jersey 07981
Telephone Number: 973-929-3020
Email: hrabner@jfedgmw.org

Sections of the Ordinance for Which a Variance is Sought

Section	Proposed	Description
25-15.3b-7	Sign will be approximately 10 feet from the public sidewalk and 30 feet 5 inches from the property line	Sign may not be situated closer than 40 feet to any street or property line
25-15.4c	Bottom of sign will be approximately 1 foot 8 inches above grade level	Bottom of sign must be at least 8 feet above the level of the road centerline

AFFIDVAIT OF JCF 760 NORTHFIELD AVENUE, LLC

JCF 760 NORTHFIELD AVENUE, LLC (the "Owner") hereby authorizes Daughters of Israel Geriatric Services Urban Renewal, Inc. (the "Applicant"), to file an application with the Planning Board and/or Zoning Board of the Township of West Orange, New Jersey for approvals and variances relating to a new sign for the Applicant's building known as Jewish Federation Plaza and located at 748-750 Northfield Avenue, West Orange, New Jersey, which sign will be located on the real property owned by the Owner and known as 760 Northfield Avenue, West Orange, New Jersey, Block 165, Lot 15, and to proceed with the application and approval process.

JCF 760 NORTHFIELD AVENUE, LLC

By: Howard Rabner

Print Name: HOWARD RABNER

Print Title: CFO

STATE OF NEW JERSEY)
)
COUNTY OF) Ss.

On this 8th day of May, 2023, Howard Rabner,
personally known to me or proved to me on the basis of satisfactory evidence to be the individual
whose name is subscribed to this document, personally came before me and stated to my
satisfaction that this person:

- (a) is the CFO of JCF 760 NORTHFIELD AVENUE, LLC, the limited liability company named in this document;
- (b) was authorized to execute this document on behalf of such limited liability company; and
- (c) executed this document as the act of such limited liability company.


Notary Public/Attorney at Law of New Jersey



RESOLUTION GRANTING VARIANCE

WHEREAS, the applicant, Jewish Community Development Corporation has filed an application with the Zoning Board of Adjustment for a variance in connection with premises known as 760 Northfield Avenue, West Orange, New Jersey, and being Lots 15, 18 and 19 in Block 165 on the Tax Maps of the Town of West Orange; and

WHEREAS, the property is located in an N-RS Zone; and

WHEREAS, the applicant seeks to construct a senior Citizens Housing Project consisting of four structures, one each of five-story, four-story, three-story and two-story ^{a total of} size, containing/134 housing units, which use is not permitted in an N-RS zone; and

WHEREAS, the Zoning Board of Adjustment, having taken notice of the need for this type of housing and having specifically found that this project can be approved without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zoning Plan, has recommended to this Town Council that the requested variance be granted; same having been done by

resolution passed on February 6, 1975, at a meeting of the West Orange Zoning Board of Adjustment after having held several public hearings thereon prior thereto, and

WHEREAS, the Town Council of the Town of West Orange has reviewed the record below before the Zoning Board of Adjustment, consisting of the transcript of testimony taken and various exhibits submitted and having considered argument presented both pro and con by ^{the applicant and} interested citizens and their attorneys at a public meeting held June 17, 1975 after due notice being given; and

WHEREAS, the Town Council of West Orange finds that:

1. The need for Senior Citizens Housing in West Orange, Essex County and the State of New Jersey does exist.
2. The proposed project combines housing with the social and recreational facilities to form a total environment conducive to the enjoyment of the twilight years of life in view of the proximity of the YM-YWHA facility to the proposed Senior Citizens Site.
3. The proposed construction has been planned in such a manner as to conform to the existing topography while having only a minimal impact on the pre-existing nearby residential community and so as not to interfere with the light, air, ^{and} enjoyment of the said surrounding property owners.

4. Expert testimony before the Zoning Board of Adjustment indicates that from a traffic standpoint a sufficient number of on-site parking spaces will be provided and that the proposed use will generate less traffic than would other uses permitted by the Zoning Ordinance and that Northfield Avenue is adequate to handle the additional traffic that will be generated by the proposed use.

5. The finding numbered "seven" in the resolution adopted by the Zoning Board of Adjustment on February 6, 1975, stating that the 1963 Resolution of that Board and the Town Council of West Orange was not binding and could be altered or deviated from by the Zoning Board and Town Council and that changed circumstances warrant such a change, is expressly ratified by the West Orange Town Council as a finding herein; and

6. The foregoing findings establish the need for and utility of the proposed project and that the same will neither cause substantial detriment to the public good nor will it impair the intent and purpose of the zoning plan and Ordinance, nor will it adversely affect the surrounding neighborhood.

7. That the record below indicates that the proposed use constitutes a "particular case" and that special reasons as above stated exist for the requested variance to be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of West Orange that for the reasons set forth above, the variance requested by the applicant and recommended by the Zoning Board of Adjustment of the Town of West Orange for the construction of Senior Citizens Housing in accordance with the plans and specifications on the lands and premises designated as Lots 15, 18 and 19 in Block 165, is hereby granted.

WHEREAS, the Zoning Board of Adjustment of the Town of West Orange held hearings on Appeal No. 2269, filed by Jewish Community Development Corporation, on an appeal from the refusal of the Building Inspector to grant a building permit for the construction of certain Senior Citizens Housing units, on lands known as Block 165, Lots 15, 18 and 19, as appears from the application and plans and specifications filed; and

WHEREAS, the Board heard testimony on behalf of the applicant and objectors and received into evidence certain exhibits, and has considered the arguments of counsel; and

WHEREAS, the Board makes the following Findings of Fact:

*Admission
is being
made to
Public*

1. There is a vital need for additional Senior Citizens Housing in West Orange at rents which these Senior Citizens can afford, and that the amelioration of this condition will result from the granting of the requested variance, and therefore promote the health, safety, morale and general welfare of the Town of West Orange.

1-1-7

2. The social and recreational facilities of the existing adjoining YM-YWHA facility will be available to the residents of the proposed Senior Citizens Housing project, and this will create an environment that will contribute to the social, physical and emotional well being of the resident, and will further promote the health, safety, morale and general welfare of the Town of West Orange.

1-1-7

3. Testimony of the Traffic Expert presented by the applicant established that the on-site parking provided by the applicant in the plans filed would be more than adequate to meet the parking needs of the proposed use.

and this conclusion is further supported by testimony offered by the applicant as to the amount of parking space and the use of vehicles in other Senior Citizens Housing projects, both in New Jersey and elsewhere.

4. The amount of traffic which will be generated by this use will be substantially less than that of other uses which are permitted in this zone, and applicant adduced testimony to establish that Northfield Avenue is more than adequate to handle the limited traffic generated by the proposed use.

5. The need for Senior Citizens Housing in the Town of West Orange is generally acknowledged by all parties, and a specific resolution to that effect has been adopted by the Town Council, attesting to the great need in this community for such housing.

6. The plans submitted for the approval show that the proposed construction has been specifically designed to fit into the existing topography of the land and with the YM-YWHA existing building, and has also been planned in a way to screen it off from the existing single family dwellings nearby, so as not to interfere with the light, air and enjoyments of the owners of said property.

7. This Board finds that the conditions set forth in the Resolution of the Board of Adjustment and the West Orange Town Council, regarding the prohibition of the use for residential purposes is not binding on the Board. The case of Cohen v. Fairlawn, 85 N.J. Super. 234 (App. Div. 1964) involving facts closely similar to those of this application, held that such conditions are not binding. The Board further finds that the minutes of said hearings in 1963 do not disclose any evidence as to why such condition was imposed, except a reference as to whether or not there will be any permanent residents in the Y building to be constructed. There is nothing to indicate any other reason and the Board finds

that there has been a change in circumstances from that time and that the need for Senior Citizens Housing has become acute.

8. The proposed Senior Citizens Housing project is necessary and desirable for the convenience and well being of the West Orange Community, and this variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE TOWN OF WEST ORANGE, that for the reasons set forth above in its Finding of Facts, it does hereby recommend to the Town Council of West Orange that a variance be granted to Jewish Community Development Corporation to erect Senior Citizens Housing on lands and premises known and designated as Block 165 Lots 15- 18 and 19, in accordance with the plans and specifications heretofore filed.

IN FAVOR

JOHN BRADY

Daniel Weiss
DANIEL WEISS

Jack Driscoll
JACK DRISCOLL

Mary Lannon
MARY LANNON

OPPOSED

George Scaturro
GEORGE SCATURRO

RESOLUTION OF APPROVAL
PLANNING BOARD OF THE TOWNSHIP OF WEST ORANGE

Decided: September 6, 2012
Memorialized: October 10, 2011

DAUGHTERS OF ISRAEL GERIATRIC SERVICES, INC.
Amended Preliminary and Final Site Plan Approval
748-750 Northfield Avenue
Block 165; Lot 16; Zone: R-2
Case # PB-12-18

WHEREAS Daughters of Israel Geriatric Services, Inc. (the "Applicant") having an address at 748-750 Northfield Avenue, West Orange, NJ 07052 having made application for Amended Preliminary and Final Site Plan Approval regarding premises at 748-750 Northfield Avenue, West Orange, NJ also known as Block 151, Lot 16 on the tax map (the "Premises"); and

WHEREAS the Board having conducted a public hearing on this application on September 6, 2012 after notice; and

WHEREAS the Applicant having appeared by its attorney Jay J. Rice, Esq. and by witness Harold Colton-Max, CEO who offered testimony and introduced exhibits, and the Board having granted an opportunity for public comment;

IT IS HEREBY RESOLVED:

EVIDENCE SUBMITTED

1. Applicant submitted plans with the application consisting of architectural plans by the Goldstein Partnership dated July 23, 2012 including a site plan (1 page), existing and proposed kitchen plan (1 page), a cover sheet (1 page), existing and proposed floor plan (1 page) (last revised July 30, 2012), site plan with photos of the exterior of the premises (1 page) and a survey by Millman Surveying last revised March 11, 2011 (1 page). The Board also received a memo from the Township Planning Department dated August 3, 2012 and a Memo from the Township Fire Sub-Code Official dated August 7, 2012.
2. Jay J. Rice, Esq. introduced the application by stating that the building is adjacent to the Jewish Community Center ("JCC") on Northfield Avenue and is operated for senior citizens of limited means. The property has approximately 175,000 sq. ft. and the proposal is to add a new kitchen, expand the dining facility and eliminate an office and superintendent space. The renovations will add approximately 128 sq. ft. to one of the buildings and require no variances.
3. Harold Colton-Max was sworn and testified that he is the Chief Executive Officer for the Applicant and has been for 8 years. He stated that the buildings are 30 years old and have 134 affordable senior citizen apartments made up of 121 one-bedroom units, 12 studios and 1 superintendent's apartment. The buildings receive financing

from HUD. In addition to housing Applicant provides senior citizens with meals and transportation.

4. Mr. Colton-Max stated that Applicant proposes to (i) expand the dining room so that it can accommodate all of the residents in one seating and also provide a larger space in which to hold programs for residents, (ii) upgrade the kitchen, and (iii) change the entrance area and flip the office space to provide a better waiting area. The new addition consists of a one story 128 sq. ft. vestibule which will be located in the area where the a/c equipment presently sits. A 132 sq. ft. storage shed will be demolished.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

5. The Applicant has satisfied notice requirements and the Board has jurisdiction over the application.
6. The premises are located on approximately 4 acres in the R-2 zone and are improved by four buildings. The proposal involves interior renovations to Building #4 which houses a commercial kitchen and dining area. The renovations will also add a 128 sq. ft. addition near the entrance of the community/dining room and demolition of a 132 sq. ft. storage shed.
7. The Board finds that the application for amended preliminary and final site plan approval is warranted. The site is already improved and the renovations are mainly interior. The 128 sq. ft. addition would be offset by demolition of a 132 sq. ft. storage shed and there is a net decrease in building coverage.
8. The Board acknowledges receipt of a Memo from the Township Planning Department dated August 3, 2012 indicating that the proposal would not impact existing parking or circulation or increase occupancy of the buildings.

THE DECISION

WHEREAS, the Board, having reviewed the application for Amended Preliminary and Final Site Plan approval and having considered the impact of the proposed application on the Township's master plan and zoning ordinance and the surrounding property owners, and having considered whether the proposal complies with and furthers the goals of the land use and zoning ordinances of the Township of West Orange and the Municipal Land Use Law; and upon the imposition of specific conditions to be fulfilled, hereby, concludes that good cause has been shown to approve the application and other relief enumerated herein.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Orange that the application for Amended Preliminary and Final Site Plan Approval with as set forth in the plans, reports, representations, testimony, stipulations and Exhibits offered by the Applicant is hereby granted with the following conditions:

1. The Applicant shall comply with all applicable Township of West Orange, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or regulatory 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, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals, including but not limited to all building and fire code requirements.

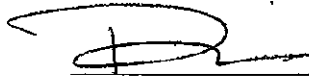
2. If another governmental entity or agency grants a waiver or variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that 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 successors 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.

Certified to be a true copy of the Resolution adopted on the 10th day of October, 2012



Robin Miller, Secretary

Vote on the Action Taken by the Board- PB-12-18/Daughters of Israel Geriatric Services, Inc.

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
CARLUCCI			*			
EBEN (1 st alt.)			*			
GHEBREMICAEL			*			
GURLAND						*
HELLER			*			
KLEIN (2 nd alt.)			*			
LESTER			*			
MCCARTNEY		*	*			
WESTON			*			
WILKES						*
BAGOFF	*		*			

Vote on the Memorializing Resolution- PB-12-18/Daughters of Israel Geriatric Services, Inc.

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
CARLUCCI			*			
EBEN (1 st alt.)			*			
GHEBREMICAEL			*			
GURLAND						
HELLER						*
KLEIN (2 nd alt.)			*			
LESTER						*
MCCARTNEY		*	*			
WESTON			*			
WILKES						*
BAGOFF	*		*			