

RESOLUTION
Township of West Orange
Planning Board
PB 23-06 Crestmont Country Club/750 Eagle Rock Avenue
Block: 174 Lots: 1 & 1.01; Zone: R-2
Decided on July 5, 2023
Memorialized on July 19, 2023
Minor Site Plan Approval

WHEREAS, Crestmont Country Club (Hereinafter the “Applicant”) has made an application for Minor Site Plan approval to construct three (3) pickleball courts adjacent to its tennis courts located at 750 Eagle Rock Avenue, also known as Block: 174 Lots: 1 and 1.01, in the R-2 Zone; and

WHEREAS, a properly noticed public hearing was conducted on July 5, 2023; and

WHEREAS, the Applicant was represented by Gary Forsher, Esq.; and

WHEREAS, the Applicant provided testimony by Daniel Fryer P.E., of Van Cleef Engineering, a licensed Civil Engineer in the State of New Jersey whose credentials were accepted by the Board; and

WHEREAS, the Applicant provided testimony by Dana Cancellaro, General Manager and COO of the Crestmont Country Club; and

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

ITEM	SIGNED BY	DATE/REVISION
Site Plans (10 sheets)	James A. Bash, P.E.	5/4/2023
Drainage Statement	James A. Bash, P.E.	May 2023

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 hearing, at which a record was made:

1. The Applicant is requesting minor site plan approval with no variances to construct three (3) pickleball courts adjacent to its tennis courts (Tennis court are covered a portion of the year by a seasonal air-supported “bubble” enclosure) in the northeastern corner of the Crestmont Country Club property.
2. The overall country club property is approximately 240 acres and the area of land proposed to be disturbed by the project is .23 acres.
3. The property is located in the R-2 Zone and is surrounded by residential neighborhoods and the Essex Fells Country Club, Pleasantdale Chateau and multiple houses of worship.
4. The proposed pickleball courts are over three hundred feet from the single-family residential properties which are also buffered by a wooded area that runs along the rear lot lines of those residential properties.

5. Applicant proposes to remove four (4) trees, two (2) major and (2) minor trees and will plant replacement trees on another area of the property.
6. The proposed pickleball courts are for the use of Club members only and are not open to the general public.
7. N.J.S.A. 40:55D-46.1. and N.J.S.A. 40:55D-5 govern the Board's review of the minor site plan application. N.J.S.A. 40:55D-5 defines "minor site plan" as a development plan of one or more lots which (1) proposes new development within the scope of a development specifically permitted by ordinance as a minor site plan; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42; and (3) contains the information reasonably required to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met." N.J.S.A. 40:55D-46.1 provides that "Minor site plan approval shall be deemed to be final approval of the site plan by the board, provided that the board or said subcommittee may condition such approval on terms ensuring the provision of improvements, pursuant to N.J.S.A. 40: 55D-38, 40:55D-39, 40:55D-41 and 40:D-53" 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. 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).

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

1. This application requires minor site plan approval (With no variances):

2. The proposal is to build three (3) new pickleball courts.
3. As to site plan requested waivers, items #20, 28, 34, 39, 44, 45 and 46 the Applicant provided information that there are no deed restrictions, no proposed lighting, no environmentally sensitive areas within at least 500 feet of the work area and due to the large size of the property, grade elevations and of all buildings and property corners are not provided but all relevant topographical data was shown on the plan and adjacent to the work area.
4. A waiver from submitting the Sustainability Checklist and for the requirement that Applicant submit a signed and sealed copy of the survey of the property these items are not relevant due to the very limited scope of the work and are not relevant to the proposed project.

NOW THEREFORE be it resolved by the Planning Board of the Township of West Orange minor site plan approval is granted.

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. Four trees will be planted as replacement for the trees removed for the project.
8. There will be no lighting installed as the pickleball courts are for daytime use only.
9. The fence shall surround the courts (All four sides) and will be six (6') feet high.
10. Applicant will comply with all State and local noise level requirements.
11. Applicant agrees to comply with all recommendations set forth in the report of John Hess, P.E. dated July 3, 2023.

The undersigned secretary certifies the decision set forth herein was made by this Board on July 5, 2023, and memorialized herein pursuant to N.J.S.A. 40:55D10(g) on July 19, 2023.

Jamilet Baquerizo-Vite,
Planning Board Secretary

Vote Action Taken by the Board on July 5, 2023:

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

Vote on Memorialization on July 19, 2023:

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