

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
March 1, 2023 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on March 1, 2023 at 7:30 P.M. via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 7:30 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

- *Chairman Bagoff* requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planning Board regular meeting will be held **Wednesday April 12, 2023 at 7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. William Wilkes; Mr. Ken Alper; Mr. Jerry Guarino; Mr. Christopher Morgan, Sr.; Mayor Susan McCartney(7:44PM); Mr. Peter Smeraldo; Councilwoman Tammy Williams; Mr. Sal Jensen; Mr. Cardoza;

ABSENT: Mr. Klein

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Paul Grygiel, Town Planner;
Mr. Dave Barry, Board Engineer;
Sarabraj Thapar, Esq., Public Advocate
Jamilet Baquerizo Vite, Planning Board Secretary

MINUTES & RESOLUTIONS

(Adopted 3/1/2023)

- [PB-23-01 - Highlawn Inc \(1 Crest Drive\) - Draft Resolution](#)

Motion: Chairman Bagoff

Second: Mr. Smeraldo

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Cardoza (Alt.2):	---	Wilkes:	Y
Guarino:	Y	Williams:	Y
Jensen (Alt. 1):	----		
Klein:	---		
Mayor Susan McCartney:	----		

(Adopted 3/1/2023)

- [2-1-2023 WO PB Draft Minutes](#)

Motion: Chairman Bagoff

Second: Mr. Guarino

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Cardoza (Alt.2):	Y	Wilkes:	Y
Guarino:	Y	Williams:	Y
Jensen (Alt. 1):	Y		
Klein:	---		
Mayor Susan McCartney:	---		

SWEARING IN

- The Township Professionals *Mr. Paul Grygiel, Township Planner* and *Mr. Dave Barry* were sworn in.

ORDINANCE REVIEW

- [2715-23 Revised Ordinance Governing Cannabis Businesses - 2.7.23 - Redlined](#)

- [Planning Review Memo 2715-23 Ordinance Amending Cannabis](#)

PRESENTATION

Mr. Grygiel entered on the record and stated that the ordinance is an amendment to a number of regulations that are currently in the Township's general licensing ordinance as well as in the land use regulation ordinance. Based on Mr. Grygiel report from February 21, 2023 it specifies the changes proposed to the Land Use Regulations Ordinance which are:

- To extend the existing distance from any cannabis entity to a school from 100 feet to 200 feet and this applies to any school not only the ones operated by the West Orange Board of Education.
- A distance requirement from any house of worship which 200 feet will be required.
- Clarify the parking requirements for the Cannabis entities.
- And lastly, there is reference to the standards and criteria to any commercial signage will be similarly apply to a Cannabis business.

In addition, in Mr. Grygiel's opinion, there is consistency between the Master Plan and the general recommendation.

BOARD QUESTIONS

- Chairman Bagoff asked if the Town ordinances have a definition of schools. Mr. Grygiel answered in the affirmative.
- Chairman Bagoff asked if the measurement from a house of worship and/or school start at the periphery and end at the periphery of the Cannabis location. Mr. Grygiel said that in the Ordinance states that it from the property line for both. Mr. Chairman also added that the ordinance should be consistence in how something is measure. And the Board suggests that clarification as to whether the limiting measurements cross municipal boundary lines be included.
- Chairman Bagoff asked if the Ordinance is pass by the Council, will the Council president or Mayor send it to our neighboring towns, so they will also be observant to our school and house of worship. Mayor McCartney said that she is not sure if other towns have approved the use Cannabis in their municipalities.
- Council president Williams asked if Mr. Grygiel could give more detail in regard to the parking requirements for the Cannabis entities. Mr. Grygiel said that based on Section 12.2 it states that it is one space for every 250 square feet of gross floor area. It will be the same type of requirement for the Cannabis business.
- Chairman Bagoff recommends that the Council considers posting signs in playground, parks, and other places where children are present prohibiting Cannabis consumption.
- Mr. Jensen asked if preschools are included in the 200ft distance. Ms. McGovern said that the definition of school in the Code states that a "School" shall mean any building or part thereof that is designed, constructed or used for educational in any branch of knowledge, in which it only includes elementary and secondary education and Ms. McGovern is not sure if

preschool is considered elementary. Chairman Bagoff also included that there should be a zoning recommendation change to the definition section, so preschools can be included as a school.

- Mr. Alper asked if the existing letters of support recuses the Planning Board from making suggestions in land use regulations. Ms. McGovern said that the Planning Board reviews the ordinance and determines whether the revision or amendment is consistence with the Master Plan and can make recommendations in regard to those inconsistencies.

PROFESSIONAL QUESTIONS

PUBLIC ADVOCATE QUESTIONS

- Mr. Thapar asked what is the boundary to sell alcohol. Chairman Bagoff answered and said he believes it is 200 feet.

PUBLIC QUESTION

PUBLIC COMMENT*

RECOMMENDATIONS:

- The point of measurement from the periphery of the property line of houses of worship, schools and any township owned properties to be included in the 200 feet.
- The distance includes anything within the boundary line even if it extends into a different municipality.
- Parking one space for every 250 square feet for retail establishment, but when it comes to industrial establishment the Planning Board recommends that the Council considers increasing from one space for every 400 square feet to 750 square feet.
- Planning Board recommends that the township post signed that Cannabis consumption is prohibited in township owned properties where children are most likely to be present.

Motion: Chairman Bagoff

Second: Mr. Smeraldo

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Cardoza (Alt.2):	---	Wilkes:	Y
Guarino:	Y	Williams:	Y
Jensen (Alt. 1):	---	Yes: ; Absent:	
Klein:	---		
Mayor Susan McCartney: Y			

- [Ordinance Amending Chapter 25 Section 47.5 \(a\) eliminating Chair term limits. 4856-2029-1915 v.1](#)

- [Planning Review Memo 2713-23 Ordinance Amending Chapter 25 Section 47.5 \(a\)](#)

PRESENTATION

- Council president Tammy Williams entered on the record and she stated that the Chairman is elected by the body and they are not being appointed by outside individuals. So, the Council decided that they will trust that each board will make their own selection of the Chair and Vice-Chair. Also, Mr. Smeraldo included that the board looks up to the Chair and Vice-Chair for guidance and leadership in each meeting. Mr. Grygiel entered on the record and stated that the ordinance is only focusing on the Zoning Board and that the ordinance is not inconsistent with the Master Plan.

NO BOARD QUESTIONS

NO PROFESSIONAL QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

NO PUBLIC QUESTION

NO PUBLIC COMMENT*

RECOMMENDATIONS

- One recommendation is that the Planning Board and Zoning Board are governed by the same ordinance.
- The Board also recommended that the ordinance should be for two years instead of one year, unless, the board cannot vote or elect a new chair or vice-chair, the existing chair or vice-chair will stay on until a new chair or vice-chair is elected.

Motion: Mr. Smeraldo

Second: Mr. Morgan

Alper: Y	Morgan: Y
Bagoff: Y	Smeraldo: Y
Cardoza (Alt.2): ---	Wilkes: Y
Guarino: ----	Williams: Y
Jensen (Alt. 1): Y	Yes: ; Absent:
Klein: ---	
Mayor Susan McCartney: Y	

APPLICATIONS

- **PB-22-13 West Crescent Realty
14-16 Northfield Avenue
Block: 17 Lot: 62 Zone: B-1**

The applicant seeks to renovate the building into a high-quality mixed-use building, retaining retail/business uses and the warehouse on the ground floor and converting the upper floors into twelve apartments.

PRESENTATION

Mr. William Sullivan entered on the record and stated that the property is a 2.5-story structure, with three retail spaces in which one is occupied by a beauty salon and the other two are vacant. He also stated that the upper floors were designed to be office spaces but they have been vacant for a long time. Mr. Sullivan stated that the applicant wants to renovate the building into a high quality mixed used building, retaining retail/business use on the ground floor and converting most of the warehouse in the rear into indoor parking. He also stated that they want to convert the upper floors into 12 apartments.

Mr. Sullivan stated that in order to be accomplish this goal, the applicant is required to receive conditional use approval, minor site plan approval, a parking variance and a variance for existing non-conforming site conditions; He said that this is based on the Ordinance section 25-24.2(m) that says that a mixed-used developments shall be permitted as additional use in a B-1 and B-2 district subject to 4 conditions.

Mr. Sullivan stated that the applicant went to the Town Council and Town Attorney to adopt a resolution permitting the mayor to sign a parking agreement. In that agreement the township will provide annual parking permits for up to 12 parking spaces for the tenants in the building to be renewed automatically on an annual basis for a total period of five years He stated that the owner will cover the fees and the owner will let the town know how many they actually need at that time.

NO BOARD QUESTIONS

NO PROFESSIONAL QUESTIONS

NO PUBLIC ADVOCATE QUESTIONS

NO PUBLIC QUESTION

NO PUBLIC COMMENT*

PRESENTATION

Mr. Jose Izquierdo entered on the record, was sworn and provided his credential as architect and planner which were accepted by the board. The plans shown during the meeting were last revised on February 16, 2023. Mr. Izquierdo started his testimony describing the existing conditions that show an undersized driveway with stripe patterns that accommodate seven or eight spaces in which the car comes in from the street and enter face on, but they have to exit in reverse because there is no space for U-turn. He stated that the applicant will demolish the one-story portion of the building in the rear and replace it with a green area. The applicant is also proposing to create an indoor parking area with handicap spaces where the tenants will also have access into the interior of the building. Mr. Izquierdo also described the site circulation in which a car will enter from Northfield Avenue and it will make a right turn to the garage door. He said that once inside the indoor garage there will be 5 garage spaces to the right, 2 handicap spaces in the rear and also there will be bicycles racks spaces. Mr. Izquierdo stated that the retail spaces on the first floor are going to be extended in order to be able to have a store room with bathrooms. The lobby of the building is going to be located in the center of the building and the building on the right-hand side has a fire escape that will be removed. He stated that

they will add sprinklers throughout the building and each one of the floor plans will have two stairs that will comply with ADA and accessibility act. There will also be an elevator on the lobby floor in which the residents will have access to from the front door and a rear door coming in from the garage. Mr. Izquierdo stated that the second floor will have three one-bedroom apartments that will be located on the Northfield Avenue side of the building, one studio and five one-bedroom lofts in the back since the back of the building is 5 feet higher than the front of the building. He stated that the third floor will have two one bedrooms and one studio apartment; each apartment will be accessible to the handicap and physically impaired residents. The roof of this building is old and it may not sustain the weight of solar panels. Mr. Izquierdo stated that the front façade of the building will be repaired and restored to its original conditions and will maintain the character and scale of the windows and building and that the tree in the rear will be replaced with a bench. He said that there are also two trees on the front of the building that will be replanted. Mr. Izquierdo stated that there is an egress on the west side of the building that will have new stairs that will go directly to the outside of the building; there will be a door that will lead to the yard and a 4 feet wide concrete sidewalk that will lead all the way to the green area at the back of the building; there will be 8 discrete wall mounted fixtures on the right side of the building to light the walkway and on the driveway area they will place 5 lights, 3 lights in the green area at the back of the building and 4 lights at the front of the building. He stated that the sustainability part of the project is that each apartment will have energy star appliances including its own laundry, heat and air conditioning. The applicant hopes that he will be able to add a small solar panel system to be able to operate the common areas and the elevator. The tenants will have a storage room available in the basement and there will be a garbage room next to the elevator in which the tenants and the commercial tenants will remove their own trash to a dumpster behind the building and the Superintendent will take out the residential and commercial trash. There is no stormwater management plan because the applicant is not changing the site except for adding grass.

in the rear. In regard to the affordable ordinance in west orange, the applicant will sign in all appropriate documents that are required and make the appropriate number of units available and qualified under that ordinance. 335 Valley Road is a pizzeria around the corner from the applicant's building and there is an existing license to allow vehicles to pass through and park in the back to make deliveries. Based on Mr. Hess review letter from March 1, 2023, section 2 which is for affidavit of ownership in which it needs to be clarified who the owner of the property is in which Mr. Sullivan responded that West Crescent Realty is the owner of the property. On item #52 the applicant will do everything that is required in regard to the COAH ordinances. Item #3 it will need a sign waiver for the driveway space. Item #4 the revised plans shows the indoor parking and getting rid of one of the outdoor parking spaces. Item #5 a sidewalk was added to the plans, so the pedestrians have a connection between the side entrance, to the front of the building. Item #6 the applicant has agreed to tie in the roof leaders to the stormwater system. Item #7 the applicant needs to conform with County standards. Item #8 the applicant will work with the Engineer in order to decide what type of landscaping are required in the rear. Item #10 & Item #11 Details in which the applicant will provide to the Engineer. Item #12 the lights will have 2 different isolux patterns. Item #13 the applicant is not providing loading space, the vehicles making deliveries will be able to park in the driveway space in front of the loading door or park in one of the exterior parking spaces. Item #14 is very hard for

the applicant to anticipate the frequency of deliveries, since the apartments are not rented yet. Item #15 the dumpster will be enclosed.

BOARD QUESTIONS

Mr. Wilkes asked how tall the trees are supposed to get. Mr. Izquierdo answered and said that the trees will be 14 feet in height at the time of plating and 6 inches caliber and these types of trees normally grow no larger than 25 feet.

Mr. Wilkes also asked if they are replacing the roof or not. Mr. Izquierdo said that they are changing the roofing membrane and changing the covering of the roof, so it is energy efficient and it complies with insulation.

Mr. Wilkes asked how many parking spaces there will be and if there will be any charging stations. Mr. Izquierdo said that there will seven spaces in the indoor parking lot, one parking space on the outside, there will be two charging stations and two make ready spaces located in the inside.

Mr. Wilkes asked how will the emergency vehicles will be able to get in and out. Mr. Izquierdo said that the emergency vehicles will have to come into the driveway and will have to park on the left side of the driveway and enter through the front or use the fire stairs.

Council president Williams asked if a car is parked on the space located outside, will that allow the emergency vehicle to enter the premises. Mr. Sullivan said that if that one parking is a concern the applicant is willing to cut out that parking space for the Board's ease and make it a fire lane.

Mr. Alpert asked if the commercial tenants will remain during construction and how long will the construction take. Mr. Sullivan said that the only tenants are the beauty salon. Also, Mr. Herbst entered on the record and was sworn under oath and included that the beauty salon tenant will be able to stay if the conditions allow it. Mr. Herbst also said that it will probably take about 1 year.

Mr. Alpert asked if there will be any ventilation system in the indoor parking. Mr. Izquierdo said that the building will be fully sprinkler and the garage will be mechanically ventilated.

Mr. Alpert asked if the cars will have sufficient room to back out of the garage. Mr. Izquierdo said spaces 6 & 7 will have to back up all the way to the driveway, so they can make the turn right there, space 5 can back out doing a couple of K-turns and spaces 1 through 4 have no problem backing out.

Mr. Alpert asked if it is possible to add a rain garden in the backyard area. Mr. Izquierdo agrees and it will help to maintain the garden.

Mr. Alpert also asked if the roof can be light color. Mr. Izquierdo said that it will be a light color, since it is one of the new standards.

Mr. Guarino asked if there will be an emergency generator. Mr. Izquierdo said that since it is not required, they don't have plans of installing one.

Mr. Guarino also asked what are the plans for a fire suppression system. Mr. Izquierdo said that the building will be fully suppressed.

Mr. Guarino asked if there will be a stand pipe set up outside of the building. Mr. Izquierdo said that there will be a stand pipe available for the Fire Department at the stairs close to the driveway.

Mr. Guarino asked if the roof will have access for the Fire Department. Mr. Izquierdo said that one part of the roof will have access, the other part the Fire Department will not be able to walk over the roof.

Mr. Smeraldo asked if both exterior parking spaces can be striped as a fire lane. Mr. Izquierdo agreed to that condition.

Mr. Smeraldo asked if the building will have protection bollards. Mr. Izquierdo said that there will be installed at the doors and the corners of the building. They will be 6inch steels in concrete.

Mr. Smeraldo asked if the overhang at the elevation of the building can be risen from 11.8 to 13.6 inches.

Mr. Smeraldo asked if the front façade will be repaired. Mr. Izquierdo said that it will be repaired to its original conditions.

Council president Williams asked if it is necessary to plant the trees in front of the building, since they are going to be in close proximity to Northfield Avenue.

Chairman Bagoff said that the board will leave it to the Director of Planning to discuss if it is appropriate or not to plant the trees at the front of the building.

PROFESSIONAL QUESTIONS

Mr. Grygiel asked why two accessible parking spaces are being proposed, since only one is required. Mr. Izquierdo said that since the building is a multiple family home one of those accessible parking needs to be van accessible and the other one is a handicap parking space.

Mr. Grygiel asked if there is a gate on the rear corner side next to the garden. Mr. Izquierdo said that it is a garden gate.

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTION

Peter Eberhardt asked if the architect could clarify the west side of the building. Mr. Izquierdo said that the awning proposed on the west side of the building will be removed. Mr. Eberhardt at 18 Northfield Avenue asked if the building will have bollards. Mr. Izquierdo said that there will be bollards from Northfield Avenue all the way to the exit door at the back. Mr. Eberhardt also asked if the entrance can be relocated from the west side to the east side of the building. Mr. Izquierdo said that it is impossible to do it because of the code because it needs to have distance between the two means of egress. Mr. Eberhardt asked how can the applicant guarantee that the new building will not have an impact on his business next door. Mr. Sullivan said that the applicant cannot guarantee, since anyone can park illegally.

Bob Eberhardt at 18 Northfield Avenue asked if the project will have an impact on their business deliveries. The attorney Diana McGovern answered by saying that if the tenants complain about the deliveries being made to the business, there is no code prohibiting them and the deliveries are allowed.

Joseph Vena at 34 Stone Drive asked if the indoor parking will be for the retail customers or if it is going to be for the residents. Mr. Izquierdo clarified that the indoor parking is for the customers and the 12 parking spaces on the municipal lot are for the tenants of the building. Mr. Vena asked what is the square footage of the 1-bedroom units. Mr. Izquierdo said units 1 through 5 are about 1,033 square feet, unit 6 is 864 square feet, unit 7 is 747 square feet, unit 8 is 515 square feet, unit 9 is 779 square feet.

PUBLIC COMMENT*

PRESENTATION

Mr. Sullivan introduced Mr. Izquierdo again as a planner. Mr. Izquierdo stated that all the uses identified in Condition #1 to allow the residential units are feasible, it falls within the uses proposed. Mr. Izquierdo also said that there is no

mixing between the commercial business and the residential units. There will be a lobby that is strictly residential, in which the two commercial business don't have access to that lobby. The minimum rear yard setback 30 feet is required, 1.8 feet is existing, but 5.6 feet will be provided because of the removal of the section at the back of the building. The maximum building coverage 60% is permitted, 67.5% is existing but it will be reduced to 56.24%, which eliminates a variance. Maximum lot coverage 75% is permitted, 100%, but it will be reduced to 88.7%. The number of parking spaces in this case is a result of the requirements of the RSIS, the municipal land use law of the state of New Jersey, which recognizes that municipalities and the boards have the authority, since they have the knowledge of the local conditions and they know how the basic requirements of parking can be modified by available transit. And as a response to the RSIS the applicant is proposing 12 parking spaces off site and the 7 indoor parking spaces are called the flexible C variance. If the number of apartments gets reduced and instead of one bedroom apartment becomes two-bedroom apartment, they are required to have 2.1 spaces and not 1.8 spaces.

BOARD QUESTIONS

Mr. Smeraldo asked if the elevator will be stretcher capable. Mr. Izquierdo answered in the affirmative.

Chairman Bagoff asked if the garage door can be made permeable. Mr. Izquierdo said that no because all the exterior walls and the door have to be fire rated.

PROFESSIONAL QUESTIONS

Ms. Carballo the township engineer asked if a design waiver is required since according to the ordinance the minimum aisle width for perpendicular parking is 24 feet required and on the proposed plans it shows 22.7 feet. Mr. Izquierdo said that a waiver will be required. And asked if the difficult spots in the indoor parking lot can become compact spaces. Mr. Izquierdo and Mr. Sullivan agreed to that recommendation.

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTION

Mr. Joseph Vena at 34 Stone Drive asked for clarification if the apartments are between 500-700 square feet. Mr. Izquierdo said that the apartments the studios and 1-bedroom apartments facing Northfield Avenue are between that size. Mr. Vena also asked if the number of apartments can be reduced. Mr. Izquierdo said that the applicant is the one that can make that request.

Peter Eberhardt at 18 Northfield Avenue asked if the applicant has considered the negative impact on the neighbors regarding the parking situation. Mr. Izquierdo said that a traffic study hasn't been made.

PUBLIC COMMENT*

Mr. Joseph Vena at 34 Stone Drive commented that the way the architect has designed it, it is terrific and it is a good improvement to the town. In regard to the trees at the front of the building will be complementary to the atmosphere of the area. Parking is an issue, but the applicant has done a good job addressing the issue.

CONDITIONS:

- A new set of plans that have all the details that the applicant has agreed to.
- 2 indoor parking spaces have to be compact spaces.
- Striping on the side of the building for fire trucks only.
- All the parking spaces will be numbered and the proposed parking spaces outside will be removed.
- If after five years the township does not renew the off-site parking, the applicant will be required to return to the Planning Board to review parking.
- All the conditions on Mr. Hess letter from March 31, 2023 will be written on the final site plan.
- The hours of delivery will be between 7:00AM till 9:00PM
- The roof will need to be light or reflective color.
- The fire sub code official will have to approve all the fire suppression equipment.
- Rain garden at the back of the building.
- The applicant will need to comply with all COAH requirements.
- The dumpster will be enclosed.
- The forester and planner will review what type of tree could be placed at the front of the building, so it does not intervene with traffic or the roots ruin the sidewalk.

Motion: Chairman Bagoff

Second: Mayor McCartney

Alper: Y	Morgan: Y
Bagoff: Y	Smeraldo: Y
Cardoza (Alt.2): ---	Wilkes: Y
Guarino: ---	Williams: Y
Jensen (Alt. 1): Y	Yes: ; Absent:
Klein: ----	
Mayor Susan McCartney: Y	

Meeting adjourned at 11:26PM. by Chairman Bagoff. Second by Mr. Guarino.

ADOPTED:

Jamilet Baquerizo Vite
Acting Planning Board Secretary