

**RESOLUTION OF APPROVAL
PLANNING BOARD OF THE TOWNSHIP OF WEST ORANGE**

Decided: June 4, 2014
Memorialized: July 2, 2014

**ESSEX COUNTY COUNTRY CLUB
AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH "C" VARIANCE RELIEF
350 MT. PLEASANT AVENUE
BLOCK: 156; LOT: 1; ZONE: R-2
CASE # PB-14-04**

WHEREAS Essex County Country Club (the "Applicant") having an address at 350 Mt. Pleasant Avenue, West Orange, NJ 07052 also known as Block 156, Lot 27.02 on the tax map (the "Premises"); and

WHEREAS the Board having conducted a public hearing on this application on June 4, 2014 after notice; and

WHEREAS the Applicant having appeared by its attorney Joseph Vena, Esq. and by witnesses Christopher Field, Phillip Scott, PE, CME, Wayne Jacques, RA and Peter Steck, PP 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 a Planning Board application package and plans consisting of Preliminary and Final Major Site Plans for Essex County Country Club prepared by Matrix New World Engineering dated March 17, 2014 (last revised May 21, 2014) (9 sheets), and a Stormwater

Management Report prepared by Matrix New World Engineering dated March 14, 2014. The Board received review letters from Paul Grygiel, AICP, PP, Acting Planning Director dated April 4, 2014 and from Eric Keller, PE, PP, LEED AP, Consulting Engineer dated April 3, 2014, April 29, 2014 and May 28, 2014.

2. Applicant introduced into evidence the following exhibits during the hearing:

Ex. A-1 – Colorized Aerial Photo of the Site

Ex. A-2 – Colorized Site Rendering

Ex. A-3 – Architectural Plans prepared by JGA Architectural Design last revised May 21, 2014

Ex. A-4 – Planning Report by Peter Steck, PP dated June 4, 2014

3. The application was introduced by Joseph Vena, Esq. who stated that Applicant seeks to amend the prior site plan approvals in order to upgrade and make additions to the clubhouse with minor modifications to the adjacent parking lot. He identified the Applicant as the oldest golf club in New Jersey with a long history of distinguished members including West Orange inventor Thomas Edison.
4. Christopher Field was sworn and identified as the President of the Club. He stated that he has been a member for many years and is very familiar with the number and types of functions that are held in the clubhouse. He testified that there are currently 285 golf members and that at their largest event they have approximately 320 people at most. The Club currently has 206 parking spaces but with restriping for

handicapped accessibility, the number would be reduced to 203.

There has not been parking issues at the Club even at large events partially because they employ valet parking and partially because there are an additional 40-45 spaces adjacent to the pool and another 40-45 spaces near the maintenance facility, which can be and are used for employee and/or other parking when needed. He added that the Club is known for the quality of its golf course but that the clubhouse, which was built in 1942, is in a deteriorated condition mostly due to deferred maintenance and modern design/use needs. The proposal includes updating the clubhouse, adding on to it, creating outdoor eating space, incorporating the pro shop into the clubhouse building all of which are necessary upgrades in order for the Club to remain competitive in today's market. He stated that the purpose of the upgrades and addition was not to increase membership which maximizes at 300, but rather to continue to attract and maintain its members.

5. Phillip Scott, PE, CME was sworn and qualified as an expert in engineering. He introduced Exhibits A-1 and A-2 and testified that the improvements are centered around the clubhouse and adjacent parking lot and the nearest property line is 1,000 ft. away which is the Francis Byrne golf course. Mt. Pleasant Avenue is 1,500 ft. away therefore the proposed work would have minimal if any impact on the neighboring landowners. The improvements include relocating the clubhouse main entrance, adding onto the building to increase the

kitchen size and add the pro shop and adding a new outdoor dining area. Four variances are needed: number of parking spaces, loading area in front yard, retaining wall height and number of trees in parking lot. Regarding the retaining wall, he stated that it was needed due to the grade at that side of the building and there was insufficient room to allow for two lower and conforming retaining walls. The wall would be 9' with a 4' railing on top for a total height of 13' where the ordinance allows 6'. As for the ordinance requirement for one tree every ten parking spaces he noted that the entire property is 176 acres and is largely open space with numerous trees and landscaping, and that the parking lot is not being changed just restriped to allow for handicapped spaces closer to the clubhouse.

6. Wayne Jacques was sworn and qualified as an expert in architecture. He testified that his firm has a specialty in country club designs. He introduced the architectural plans and spoke to the floor plans for each floor. The lower level floor plan would be added onto with the new space for the pro shop, storage areas, patio for outdoor dining and roof over existing patio. The main level floor plan would include an expanded kitchen, new handicapped bathrooms, offices, new main entrance with vestibule and coatroom, pavilion for outdoor dining and small expansion to the ballroom. The upper level floor plan would add a new Boardroom and staircase. The portico and awning over the

front entrance would be removed. All materials would match existing materials.

Responding to Board questions Mr. Jacques stated that the clubhouse is already sprinklered but that it would be upgraded. The Board also inquired about a light-colored roof to reduce heat-island effect, installation of a permanent generator and full handicapped accessibility.

7. Peter Steck, PP was recognized as an expert in planning. He distributed Ex. A-4, which was a 3-page handout consisting of a zoning map, aerial photo, photo of main entranceway, aerial photo with improvements superimposed, and photographs of the existing clubhouse. He noted that the club owns approximately 176 acres most of which is open space and is located in the R-2 zone. Unlike single-family residences, the clubhouse is surrounded by expansive open space, which separates it from the neighboring property owners, the closest of which is 1,000 feet away and is the Frances Byrne golf course. Applicant seeks variance relief for parking (699 spaces required, 203 proposed), loading space location (side or rear yard required, front yard proposed), wall height (6' allowed, 9' wall with 4' railing proposed) and trees in parking area (1 tree every 10 spaces required, none proposed). Mr. Steck opined that the variance relief could be granted upon c(1) grounds. The retaining wall height is a

function of the difference in grade and limited amount of space in which to adjust for it, the loading space location could be justified because the rear of the clubhouse faces the fairway so that the front yard is the best place to put a loading area, and the parking area is already existing and is not being changed except to restripe for putting handicapped spaces closer to the clubhouse so installing trees would be a hardship and adding spaces is unnecessary because the membership roles will not substantially increase. He stated that the variance relief could also be granted on c(2) grounds because the benefits of the proposed improvements outweigh the minor detriments and the proposal offers a better alternative to the zone plan.

8. The Board asked the Applicant to specifically address handicapped accessibility. Mr. Fields was recalled and stated that there are two new handicapped accessible bathrooms on the first floor. A discussion ensued about wheelchair access to each level of the clubhouse. Mr. Fields stated that the lower and main levels are wheelchair accessible and the upper floor is used only by women golfers as their locker room. The Applicant stipulated that it would abide by all ADA access requirements.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

9. The premises are located in the R-2 zone and golf courses are a permitted use in the zone. Surrounding uses include another golf course, single-family houses, office, and institutional uses.
10. The proposed renovations include upgrading and additions to the existing clubhouse. The additions will total 10,821 sq. ft. and include reconstruction of the banquet room on the first floor (2,387 sq ft.), major renovation of portions of the lower and main levels (5,430 sq. ft.) and minor renovation of a portion of the main level (1,982 sq. ft.). An existing canopy and portion of the patio on the south side of the building will be removed, the front entrance relocated, parking lot restriped, and new retaining wall installed.
11. The purpose of the improvements is to upgrade the clubhouse so that the golf course, which the Master Plan acknowledges are an asset to be preserved, can remain competitive and maintain membership. The President remarked that the golf course is considered superior but the clubhouse has deteriorated.
12. The testimony indicated that membership growth is not the goal because golf membership is capped by an unwritten rule that once it

reaches 300 any more members will make it difficult to find sufficient tee times.

13. The variance relief can be justified on both c(1) and c(2) grounds. The configuration of the club and the structures lawfully existing thereon can account for allowing the loading area to be in the front yard, the retaining wall height, and the lack of trees in the existing parking lot, which is not being changed except for restriping. There are c(2) grounds for all of the above plus support for the variance for number of parking spaces because the benefits will outweigh the detriments given the self-limiting nature of their use and relative isolation from neighboring uses. There are no discernible detriments to the public good and little or no impairment of the intent and purpose of the zone plan and ordinance. The variance relief is justified under MLUL Section 70 and is granted.

THE DECISION

WHEREAS, the Board, having reviewed the application for Amended Preliminary and Final Site Plan approval with associated "c" variance relief 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 with variance 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 associated variance relief 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.
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 and stipulations 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.

6. Applicant shall comply with the requirements for affordable housing compliance, if any, which apply, including any amendments or revisions thereto, as the same may require the creation of low and/or moderate income housing or contribution therefor as a result of this approval.

7. Applicant shall:

- (i) give consideration to the Board's recommendation for a light colored roof;
- (ii) abide by all ADA requirements with regard to handicapped accessibility;
- (iii) give consideration to the Board's request for installation of a permanent generator; and
- (iv) provide an engineer's estimate of the work for inspection purposes.

8. 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.

Certified to be a true copy of the Resolution adopted on the 2nd day of July 2014.



Robin Miller, Secretary

Vote on the Action Taken by the Board-PB-14-04/Essex County Country Club

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

Vote on the Memorializing Resolution-PB-14-04/Essex County Country Club

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