

ESSEX COUNTY COUNTRY CLUB

RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF WEST ORANGE

Granting amended site plan approval for elimination of curved walls at the new entrance drive as originally approved by Resolution PB-00-19; granting site plan approval for construction of a new storage building and a pesticide building; and granting a C-2 variance for the height of a new chain link fence at the County Club perimeter along Prospect Avenue and Mt. Pleasant Avenue.

WHEREAS, the Planning Board of the Township of West Orange, at a meeting held on October 2, 2002, considered the application for amended site plan approval for elimination of curved walls at the new entrance drive as originally approved by Resolution PB-00-19; for site plan approval for construction of a new storage building and a pesticide building; and to obtain a C-2 variance for the height of a new chain link fence at the County Club perimeter along Prospect Avenue and Mt. Pleasant Avenue on property located in an R-2 Zone, identified as Block 156, Lot 1, which was submitted by Essex County Country Club (the "Applicant") through its attorney, Joseph A. Vena, Esq., and

WHEREAS, the Planning Board considered the presentation of Joseph A. Vena, Esq., attorney for the Applicant; and heard and considered the testimony of Gordon Meth, of Keller & Kirkpatrick, Inc., the Applicant's engineer (licensed in New Jersey as an engineer and qualified in that capacity by the

Board) with respect to the elimination of the curved walls; and heard and considered the testimony of Anthony Marucci, the Applicant's engineer (licensed in New Jersey as an engineer and qualified in that capacity by the Board) with respect to the new storage building and a pesticide building; and heard and considered the testimony of Anthony Marucci, the Applicant's planner (licensed in New Jersey as a planner and qualified in that capacity by the Board) with respect to the C-2 variance for fence height; and considered the site plans for intersection improvements for the entrance prepared by Keller & Kirkpatrick, Inc. dated July 22, 2002 with respect to the elimination of the curved walls; and considered the site plans for the new storage building and a pesticide building prepared by Anthony Marucci, N.J.P.E., dated January 11, 2002 and revised September 20, 2002; and considered the plans for package building prepared by Richard B. Lukoff, N.J.P.E., dated November 16, 2001 and revised September 24, 2002; as well as questions and comments from Board members as shall appear in the Board's minutes for the meeting of October 2, 2002; and

WHEREAS, a complete application has been filed, all fees required by Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Planning Board have been

properly invoked and exercised; and the Board having conducted a vote on this application on October 2, 2002; and

WHEREAS, the Applicant has requested amended site plan approval for elimination of curved walls at the new entrance drive as originally approved by Resolution PB-00-19; preliminary and final site plan approval to construct a new one-story storage building and a pesticide building; and to obtain a C-2 variance for a six-foot high chain link fence at the perimeter along Prospect Avenue and Mt. Pleasant Avenue which has been constructed above the permitted height allowance;

NOW, THEREFORE, does the Planning Board of the Township of West Orange make the following findings of fact and conclusions of law with regard to this application:

1. This is an application for amended site plan approval for elimination of curved walls at the new entrance drive as originally approved by Resolution PB-00-19; preliminary and final site plan approval for construction of a new one-story storage building and a pesticide building; and for a C-2 variance for a six-foot high chain link fence which has been constructed and which is above the permitted height allowance.

2. The Board has reviewed the site plans that have been submitted to the Board as noted above, and has considered the testimony of the witnesses as noted above;

3. The Board has recommended and the Applicant has agreed to the following additional conditions of approval:

(i) Additional landscaping will be included at the new entrance drive, and along the chain link fence where necessary, which will be of year-round growth and winter survivability, and landscaping to screen the new one-story storage building and a pesticide building where space permits, said landscape plan to be submitted to and approved by the Planning Director;

(ii) Soil erosion and sediment control certification, if necessary, will be obtained from the H-E-P Soil Conservation District;

(iii) Construction of the pesticide building shall comply with all NJDEP and West Orange Fire Department and building code requirements, and shall be properly placarded;

(iv) All landscaping shall be planted in accordance with the approved landscape plan and shall be maintained in healthy and vigorous condition; all plants, shrubs, and

trees that die shall be replaced with landscape materials of equal or better quality;

(v) All findings of fact and conclusions of law set forth herein are deemed conditions that are binding on the Applicant;

(vi) Before a Certificate of Occupancy/Approval can be issued, the Applicant shall submit proof to the West Orange Director of Planning that all real estate taxes are paid and current; and

(vii) Before a Certificate of Occupancy/Approval can be issued, the Applicant shall execute and submit to the West Orange Director of Planning, an Affidavit of Compliance certifying that all conditions of approval agreed to by the Applicant and set forth herein have been fulfilled and satisfied.

NOW, THEREFORE, BE IT RESOLVED that the C-2 variance requested is granted in that the Applicant is permitted to retain its six-foot high chain link fence at the County Club perimeter along Prospect Avenue and Mt. Pleasant Avenue.

The Applicant's planner testified and the Board found that the C-2 variance could be granted because the purposes of the Municipal Land Use Law, specifically (i) promoting public safety and general welfare; (ii) providing adequate light, air, and

open space within the constraints of the existing site conditions; (iii) and promoting a desirable visual environment would be advanced; that the benefits of the variance would substantially outweigh any detriments and that there would be no detriment to the public good or neighborhood because similar height or taller fences exist on neighboring properties; and that granting the variance would not substantially impair the intent and purpose of the Zoning Ordinance because of the existing site conditions on the property.

NOW, THEREFORE, BE IT RESOLVED that this application for amended site plan approval for elimination of curved walls at the new entrance drive as originally approved by Resolution PB-00-19; preliminary and final site plan approval for construction of a new one-story storage building and a pesticide building; and for a C-2 variance for a six-foot high chain link fence which has been constructed and which is above the permitted height allowance is approved in accordance with the site plans, subject to the conditions set forth in this resolution.

The foregoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.

Elizabeth Visone

Elizabeth Visone, Board Secretary
Planning Board of the Township
of West Orange

Dated: 11/13/02