

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
August 2, 2023 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on August 2, 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 August 9, 2023 at 7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Ken Alper; Mr. Jerry Guarino; Mayor Susan McCartney; Councilwoman Tammy Williams; Mr. Sal Jensen; Mr. Cardoza;

ABSENT: Mr. William Wilkes; Mr. Peter Smeraldo; Mr. Christopher Morgan, Sr.;

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Paul Grygiel, Town Planner;
Mr. Doug Rohmeyer, Board Engineer;
Jamilet Baquerizo Vite, Acting Planning Board Secretary

MINUTES & RESOLUTIONS

(Adopted 8/2/2023)

- PB-23-06 Crestmont Country Club Updated Resolution

Motion: Chairman Bagoff

Second: Mr. Guarino

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

- 3/1/2023 PB Regular Meeting Minutes

Motion: Chairman Bagoff

Second: Mr. Guarino

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

SWEARING IN

- The Township Professionals *Mr. Paul Grygiel, Township Planner* and *Mr. Doug Rohmeyer* were sworn in.

ORDINANCE REVIEW

- [2808-23 Revised Ordinance Governing Cannabis Businesses - redlined](#)
- [Planning Review Memo 2808-23 Ordinance Amending Cannabis](#)

PRESENTATION

- Township Council has modified the ordinance 2808-23. The changes proposed are to extend the distance from property line to any property line of a property with a school building from a licensed cannabis entity, so this would move up from 100 feet to 500 feet and change it so it's not just West Orange Board of Education schools.

- Secondly, there be a condition whereby licensed cannabis entities, except one that's defined as a pre-approved one that you know under certain criteria, will not be allowed to operate within 500 feet of a House of worship's property line.
- It also clarifies the parking requirements for these entities and provides a reference to the township municipal code's various provisions with regard to signage for commercial cannabis entities.
- The master plan adopted in 2019 by the planning board document regarding making changes to zoning to allow for various types of uses including potentially medical cannabis, recreational production and sales.
- One suggestion made by Mr. Grygiel is that the board recommends that a pre-approved entity, which is only within the upfront licensing sections, be added to the land use regulations ordinance.

BOARD QUESTIONS

- Mayor McCartney asked, compared to other municipalities, is 500 feet a total range. Mr. Grygiel said that there's a range from no restrictions to 500 and 1000 feet range throughout the state of New Jersey.
- Chairman Bagoff asked how park and recreational facilities are affected if they are not part of a church or school. Council president Williams said that parks have a no smoking ordinance whether it be cannabis, cigarette smoking, etc. The council did deliberate on many occasions and opine on the distance, and what they were able to request from the legal department was a map overlay that only extended 200 feet to ensure and that we would not create a functional obsolete ordinance.
- Mr. Guarino asked if the already approved sites can operate even if they are not within the new zoning. Ms. McGovern said that in general, with respect to the cannabis state statute, once an entity has been approved, they are technically grandfathered in, so if a school is built or comes to pass within this distance that entity continues to have the right to operate.
- Chairman Bagoff asked if the approval letter has a time limit. Council president Williams said that there are no time limitations.
- Chairman Bagoff asked how the Township council came up with the parking calculations. Council president Williams said that the council members use what the basic calculation is for a business with a similar use.
- Chairman Bagoff asked if a cannabis site is within the borders of West Orange and 500 feet from the school or House of worship in West Orange, what if it's 75 feet from a school or House of worship -in a neighboring town, do they take them into consideration. Council president Williams said that a situation did occur with one of the entities located on South Valley Road. She said that it is close to a school in the neighboring town of Orange and that was a concern again with the extension from the 200 feet to 500 so, it's not going to be consistent.
- Chairman Bagoff asked if the entities can only be in the zone that they were approved. Council president Williams answer in the affirmative; she said that the cannabis entities are only approved in B1, B2 and I zone.
- Chairman asked if it is possible to add to the ordinance that no cannabis smoking is allowed in town sponsored events. Council president Williams said that they have a no smoking ordinance at the schools, parks and facilities that already exist. However, there are some limitations with enforcement from the attorney general's office.
- Mr. Klein asked if people are allowed to smoke in public. Council president Williams said that you're supposed to smoke it at your property, but police don't enforce it.

NO PROFESSIONAL QUESTIONS

PUBLIC QUESTION

- Natasha C at 366 Northfield Avenue asked how the town is considering or intending to address concerns related to public safety. Chairman Bagoff said those questions will be referred to the town council at any one of their public meetings or speak to your local representative from the town council. He also includes there's no way to have people not coming to get into any of these cannabis stores. The consumer must show some form of legal identification that is scanned in for accuracy and they must be of age; that's to get right through the door. Nobody can accompany you that does not have legal identification and are of age. That is according to the ordinance and law. Secondly you must show that identification, yet again, to purchase something and there's no consumption of anything that's purchased on site.
- Mr. Phillip at Linden Avenue asked what the board will do if in fact our children wound up becoming subject to the wills of the people who sell cannabis. Chairman Bagoff said no child will be allow to any of the cannabis entities and there will no cannabis usage on site.
- Marie at 21 Maple Street asked what is the age requirement for you to purchase. Council president Williams said that they need to be 21 years of age to enter a cannabis entity.
- Natasha at Northfield Avenue asked what the master plan is. Mr. Grygiel said that the state legislature has allowed towns to enact their own ordinances dealing with land use and development. However, you must have a master plan, which is a policy document adopted by the planning board, that outlines what uses are permitted in a town, the different types of uses in a certain zone. It also deals with things such as the size of properties, the height of buildings as well as other topics, but essentially, so it's clear, it's a document that if a town wants to regulate development it must be adopted by this board who then makes recommendations to the Township council to create ordinances. It's something that must be also updated at least once every 10 years.
- Christine Bosco asked what if the cannabis entities would like to have a smoking facility. Chairman Bagoff said that the state law does not permit it and in fact, you cannot smoke and or use any cannabis product purchased on the property. He said that the Township has an ordinance that you can't smoke in public or use cannabis in public spaces.

PUBLIC COMMENT*

RECOMMENDATIONS

- The Board recommend that the council have consistency.
- The board recommends that the council looks at the overlay map.
- They board also recommends that the council looked at the two methods of calculating number of parking spots.

Motion: Chairman Bagoff

Second: Mr. Klein

Alper:	Y	Morgan:	---
Bagoff:	Y	Smeraldo:	---

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

APPLICATIONS

- **PB-21-01/West Orange Plaza**

Block: 152.01; Lots: 1445 & 1445.05; Zone: P-C/R-5

235 Prospect Avenue

Improvements to West Orange Plaza Shopping Center with addition of new buildings.

PRESENTATION

- Mr. Meese, attorney for the applicant, recalled the engineer Mr. Delaney. Mr. Delaney testified that they made some improvements in how the site connects from a pedestrian standpoint to Eagle Rock Ave. and Prospect Ave.
- He stated that the first way that they accomplish that is by adding a new crosswalk at the corner of the main building where the existing Chipotle is today. They are proposing a new crosswalk to go across the parking lot and this is going to bring access from Eagle Rock near the bus stop again to Chipotle.
- The second area that they are proposing to add some connectivity is near the existing Verizon building by our proposed building D. They are going to provide an additional sidewalk from Eagle Rock Ave. and a crosswalk across the parking lot in this location.
- The third and final location at building C, they are proposing a new sidewalk coming off Prospect Ave. into the site and again providing crosswalk to provide pedestrian connectivity to building C as well.
- In addition to these pedestrian connectivity items, they also revised the plans to promote pedestrian safety throughout the shopping center. The first area will be directly in front of the existing Whole Foods. They are proposing a concrete hatch across the main drive aisle; this concrete hatch will go essentially the full width of the existing Whole Foods entrance and will match the same treatment that they are proposing in front of Target. He said that this is just there to provide some awareness to drivers, as they drive down this drive aisle, that pedestrians are here and that they should stop and be aware.
- The other area that they are proposing some pedestrian measures and safety is near the proposed building A. Previously, this intersection only had one stop sign in it and that says you were going northbound along the main drive aisle toward buildings. Now, they are providing stop signs along the main drive aisle that goes East and West along buildings A and B and these stop signs will help to slow down traffic through this area and allow pedestrians to safely cross this proposed crosswalk.
- In addition to these pedestrian items, they are also providing some revised landscape islands primarily in the parking lot in front of proposed building B.
- The engineer worked with the landscape architect to increase the width of the islands from 5 feet wide to seven feet wide. The way that they were able to accomplish this was

by changing the spaces at the southern end of this parking field to be compact, which will narrow the spaces and provide more room for the landscape islands.

- They also revised the mounting height of the lighting fixtures in the back of the building A & B. They changed it from 18 feet down to 15 feet which should help provide some additional screening from the neighboring property so they're not looking up at these light fixtures.

BOARD QUESTIONS

- Mr. Guarino asked if the board could get more emphasis on crossing at that Chipotle area, since it is a high traffic area between Jersey Mikes and the Chipotle. Mr. Delaney said that it is certainly a high traffic area and that's why they are proposing the additional crosswalk to get to Eagle Rock Avenue and the crosswalk which will go from the parking field to that Chipotle. He said that it will provide cars coming in with notice that there are pedestrians crossing in this area.
- Mr. Guarino asked if any signage is proposed in that area. Mr. Delaney said that there is no signage proposed.
- Mayor McCartney asked if the Verizon building is staying or being replaced. Mr. Delaney said that the building itself is staying and they are proposing additions to that building.
- Mr. Klein asked if there is a way to make the new crosswalk near Chipotle perpendicular. Mr. Delaney said the only way to make it perpendicular over in that specific location would likely be by losing a parking space. As far as the crossing distance goes, the engineer does not anticipate that being an issue in that location given how little traffic should be making that left other than truck traffic going to the rear.
- Mr. Cardoza asked is there a way to put a sign that prevent people and cars from entering the refuse area. Mr. Delaney said that it's a one-way travel so they are not worried about other cars coming up the one way the wrong way. He said that as far as pedestrian traffic goes in this specific area, they would not expect significant pedestrian traffic. The main parking field is to the North of the building and the pedestrians coming from the right of way, whether it be Eagle Rock Ave. or Prospect Ave., will come from the southern end so he doesn't think it would be too much of a conflict and adding a mirror there would not improve anything significantly.
- Chairman Bagoff asked if the light could be hybrid where it is solar paneled and in the event that there is not enough solar energy it will have regular power grid augmentation. Mr. Delaney will investigate that information since he is not familiar with that specific option.
- Mayor McCartney asked if parking can be provided by the refuse area. Mr. Delaney said that it will not be safe to put parking there.
- Mr. Guarino asked if either the engineer or traffic engineer got approval from the Fire Department for the plans regarding the egresses and ingress and the drive through areas to see if they are sufficiently capable of handling our fire equipment. Mr. Delaney said that to his knowledge they haven't received a review letter from the Fire Department. They did provide, in the site plan set, turning templates for fire trucks throughout the site that shows that it could access around and behind all buildings and get through the site.
- Chairman Bagoff asked if there is going to be trash collection behind the buildings. Mr. Delaney said that there will be refuse areas behind buildings A & B and they are going to be enclosed in sealed containers.

- Chairman Bagoff asked how will the refuse be picked-up. Mr. Delaney said that it will be picked up by a standard garbage truck that would come in front by the rear, then it will load and dump it into it.

NO PROFESSIONAL QUESTIONS

- Mr. Rohmeyer asked to describe the anticipated construction methodology of the retaining wall by the loading docks. Mr. Delaney said that there's two ways to build the retaining wall, he said that they can obtain a construction easement from the property to the north or they can install sheet piles along the property line to build the wall.
- Mr. Rohmeyer asked how there are going to protect any potential fall off the high side of the wall. Mr. Delaney said that they are proposing to put a 4 feet chain link fence along the top of it to help guard any people that would be in the area.

PUBLIC QUESTION

- Kevin Malanga at Ridge Road asked if they are showing parallel parking spaces next to where the Verizon store. Mr. Delaney said that that they are putting four parallel parking spaces there where there are four today.
- Joyce Rudin at Woodland Avenue said that at Building D, the refuse is at the front of the building and asked if there is a reason why it cannot be move to another place. Mr. Delaney said that there really is no alternate location for this the existing refuse that services the Verizon building.
- Joyce Rudin asked what is the feet distance from Suite A and the nearest home. Mr. Delaney said that it is close to 55- or 60-feet setback to the property line.
- Matthew Rosen asked he the engineer can over the pipe lines run by the County of Essex. Mr. Delaney said that line that runs through the center of the parking lot and that line drains most of the water that goes into that line that drains from the county right of way or from the Eagle Rock Reservation across Prospect Ave. and that continues down through the site, where it discharges today at that northern property line basically in the rear of your clients home that you were mentioning and the proposed conditions they are proposing to keep that line where it is and we're not proposing any significant increase in flows to it.
- Sally Malanga at Ridge Road asked why the landscape island increase in width. Mr. Delaney said that the increase the size from 5 feet in width to closer to 9 feet in width and the reason being to be able to accommodate more trees.
- Sally Malanga asked what are their plans into adding more island. Mr. Delaney said that they are not able to add more islands in front of the existing Whole Foods area because of their lease agreement. They will provide one tree every 20 spaces, but they will be providing significant landscaping around the parking lot.
- Zasah Khademi at 4 Dawes Avenue asked if they can use sealant. Mr. Delaney said they have not considered sealants because they are going to be repaving the entire parking lot, so he'd be hesitant to repave the entire parking lot and then just cover it up with sealant, but they will certainly look into it the recommendations given.
- Ms. Khademi asked how many solar charging stations will there be. Mr. Delaney said that they are providing EV charging stations, no solar charging stations.
- Ms. Natasha at Northfield Avenue asked how will the increase of dumpsters affect the surrounding areas. Mr. Delaney said that the site will have regular pest control operations, as well as having regular refuse pickup, so it doesn't become an issue.

PUBLIC COMMENT*

PRESENTATION

- Ms. Allison Mathern was recalled during the meeting. She stated that the store is targeted for 150 total employees which would be full time, part time and store leaders and that would be anywhere from 25 to 50 on any shift. This information might change based on store and customer demand, but that is what they are currently targeting for this location.
- Regarding security the store will have a dedicated team of asset protection personnel including an asset protection lead. Target also provides training to the store teams overall and for handling various emergency situations.
- They will have universal uniformed security personnel who monitor the entrances and exits throughout the store and they will conduct foot patrols in the parking lot on occasion.
- The security cameras operate 24/7 and footage is available to be reviewed both in store and at our headquarters location.
- Generally, they have one merchandise delivery truck per day and one grocery delivery truck per day. Those deliveries occur starting at 4:00 AM and can run through to midnight. During holiday season we could expect to be about four trucks per day, two merchandise and two grocery delivery.
- They also have vendor trucks which are the smaller box. They got approximately 8 per day, those are on site anywhere between 6:00 AM and 12:00 PM and again deliveries could double during peak periods.
- Target is a smart way transport partner and they have a no idling policy, so engines are required to be turned off after 5 minutes at their loading docks.
- Target does not take any deliveries at the front of the store, all the vehicles circulate around to the rear of the building for deliveries, so there should not be any issues with pedestrians and delivery trucks.
- To clarify they expect that there will be four truck deliveries of presorted packages per day and then the delivery drivers would pick up the packages during their scheduled 30-minute period, which is either between 7:30 and 8:30 AM or 12:00 PM to 2:00 PM, so there's two distinct periods during which those smaller vehicles will come and pick up those presorted packages to take out for delivery.

BOARD QUESTIONS

- Council president Williams asked if the West Orange community has any type of hiring opportunities as a preferred community. Ms. Mathern will check that with her team to find out the process.
- Mr. Alper asked how many times a day does local police are generally required to come to the store for things such as shoplifting. Ms. Mathern said that her team is declining to provide that information.
- Mr. Jensen asked if the parking arrangements will change during holiday season, since the store might need more staff. Ms. Mathern said that there is not employees dedicated parking, but there will only have 25 to 50 employees at all times.

PROFESSIONAL QUESTIONS

- Mr. Rohmeyer asked if Target will use any of the restricted parking spaces. Ms. Mathern said that there are 24 dedicated parking spaces for customers who order online and want their deliveries brought out to their vehicle. There is a center walkway between those parking spaces and then there are some straight aisles between the individual parking

spaces for our team members to walk between the cars and safely make those deliveries, but that is the only specific parking provided.

PUBLIC QUESTION

- Kevin Malanga at Ridge Road asked if target management is willing to approach Whole Foods management to seek to obtain agreement to add planting islands in the parking lot. Ms. Mathern said that Target will not get involve in a lease between two other entities.

PUBLIC COMMENT*

PRESENTATION

- The landscape architect was recalled during the meeting. The changes that have been made are that they will cut the numbers in half of the non-native trees and they added two new trees to the to their plant list. Acer rubrum which is basically a red Maple and they have added Elm tree to the list which are native to the region.
- Another change to the planting plan was back on the north edge. Previously they had a couple of trees to provide some screening, now they have added 5 trees to the area as additional screening.
- They have changed all of their evergreens to green giant arbor which are deer resistant, which is why it was the right option for the site.
- At the lower level they have added some shrubs and evergreens at the front of building D. There might be some additional planting in there depending on either what the owner or the individual store owners want to do with those planters as well made a couple of changes just to help out with maintenance to the seasonal plantings.
- Changes to the plant list are adding the evergreens in the planters, prunus Lauro Cerasus and majestic jade. The evergreen will be about four-to-five-foot plant, the majestic jade it's a plant that will go in at about 2 1/2 to 3 feet tall, but it should eventually grow to be a 5 foot 5-to-6-foot plant along the edge, which would screen the dumpster at building D.
- The owner will be responsible for the maintenance of the landscape. But the landscape installed, it is typically bought with a one-year guarantee.

BOARD QUESTIONS

- Chairman Bagoff asked is there going to be any type of rainwater preservation system incorporated into these islands, so at least some of the rainwater can be used to self-water these areas. Mr. Welsh said that currently all the parking lots are curbed areas and all that water is going to be captured and put into the storm water drainage system.

PROFESSIONAL QUESTIONS

- Mr. Rohmeyer asked how many green giants are being proposed. Mr. Welsh said that there 14 trees that are going to be planted.
- Mr. Rohmeyer asked if the engineer take into consideration with the placement of the trees and not directly plant atop the storm sewer. Mr. Welsh said that they will stay away from it and they will not plant on top of it.

PUBLIC QUESTIONS

- Mr. Rosen asked what type of trees will be planted. Mr. Welsh said that those are Green Giant arborvitaes and they will need to be maintained.

- Mr. Rosen asked how tall those trees will eventually become. Mr. Welsh said that at the time of plating the trees will be 8 to 10 feet tall and the trees will eventually grow up to be around 15 feet in height.
- Mr. Rosena asked what would the life expectancy of those trees be. Mr. Welsh said the life expectancy is around 15-20 years.
- Kevin Malanga at Ridge Road asked why did the engineer chose the Prunus Larocerasus a non-native plant over Mountain Laurel. Mr. Welsh said that Laurel has not proven itself to do well in more urban type environments.
- Sally Malanga at Ridge Road asked if the trees died will they be replaced. Mr. Meese said if they died, they have to be replaced.

PUBLIC COMMENT*

PRESENTATION

- The project architect Mr. Montoro entered on the record, he was sworn under oath and his credentials were accepted by the board.
- The reason that they did two separate buildings, Building A to the left and building B to the right with the courtyard in between is so they could get outdoor areas for seating, so people can interact and also to bring green into the building façade.
- The individual storefronts wrapped into the courtyard on both sides, the customer will have more exposure, but also get more of a pedestrian friendly environment.
- These buildings are going to be constructed with steel frame, but with stud as a perimeter and the parapets are extended above the roof to shield the rooftop units.
- The facades also will have many different color and materials to blend together, but offer individual store safe asides that can be made unique for each store as they come on board.
- The front walkway is a pedestrian friendly walkway, there will be pavers brought into the courtyard. The roofs will be white for all the new construction. The existing construction will stay as is, since they have no control over what exists, but all the new roofs including targets will be white roofs for reflectivity and reduction of heat island effect.

***Application adjourned to the September 6, 2023 Planning Board Regular Meeting. ***

Meeting adjourned at 11:35PM.

ADOPTED:

Jamilet Baquerizo Vite
Acting Planning Board Secretary