

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
January 3, 2024 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on January 3, 2024 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 February 7, 2024 at 7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. William Wilkes; Mr. Ken Alper; Mr. John Cardoza; Mr. Jerry Guarino; Mr. Lee Klein; Mr. Christopher Morgan, Sr.; Councilwoman Susan McCartney; Mr. Peter Smeraldo; Councilwoman Tammy Williams; Mr. Sal Jensen

ABSENT:

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

ANNUAL REORGANIZATION

- **Chairperson**

- *Chairman Bagoff* handed the gavel over to *Mr. Guarino*, a senior member of the Board for the nominations for Chairperson. *Mr. Guarino* asked for nomination for the Planning Board Chair.
- *Dr. Robert Bagoff* was nominated by *Mr. Guarino*. There were no other nominations for Chair.

- **Motion: Mr. Guarino**

- **Second: Mayor McCartney**

Alper:	Y	Morgan:	----
Bagoff:	Y	Rutherford:	Y
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	-----		
Klein:	Y		
Mayor McCartney:	Y		

Note: After Dr. Bagoff was elected to the Chair position, Mr. Guarino passed the gavel back to him.

- **Vice Chairperson**

- *Chairman Bagoff* nominated *Mr. Guarino*. There were no other nominations for Vice-Chair.

Alper:	Y	Morgan:	---
Bagoff:	Y	Rutherford:	Y
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	-----		
Klein:	Y		
Mayor McCartney:	Y		

- **Board Attorney**

Chairman Bagoff nominated *Diana Powell McGovern* as Planning Board Attorney.

Alper:	Y	Morgan:	---
Bagoff:	Y	Rutherford:	Y
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	-----		
Klein:	Y		
Mayor McCartney:	Y		

- **Planner**

- *Chairman Bagoff* nominated *Mr. Paul Grygiel* as the Town Planner.

Alper:	Y	Morgan:	---
Bagoff:	Y	Rutherford:	Y
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	-----		
Klein:	Y		
Mayor McCartney:	Y		

- **Engineer**

- *Chairman Bagoff* nominated *Mr. John Hess* as the Consulting Engineer for the Planning Board.

Alper:	Y	Morgan:	---
Bagoff:	Y	Rutherford:	Y
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y

Kapferer: -----	
Klein: Y	
Mayor McCartney: Y	

- **Secretary**

- *Chairman Bagoff* nominated *Ms. Jamilet Baquerizo Vite* as the Planning Board Secretary.

- **Motion: Chairman Bagoff**

- **Second: Mr. Smeraldo**

Alper: Y	Morgan: ---
Bagoff: Y	Rutherford: Y
Cardoza (Alt.2): Y	Smeraldo: Y
Guarino: Y	Wilkes: Y
Kapferer: -----	
Klein: Y	
Mayor McCartney: Y	

- **SPRAB Representative**

- *Chairman Bagoff* nominated *Mr. Lee Klein* as the Site Plan Review Advisory Board's Planning Board Representative. There were no other nominations.

Alper: Y	Morgan: ---
Bagoff: Y	Rutherford: Y
Cardoza (Alt.2): Y	Smeraldo: Y
Guarino: Y	Wilkes: Y
Kapferer: -----	
Klein: Y	
Mayor McCartney: Y	

- **SPRAB Alternate**

- *Chairman Bagoff* nominated *Mr. Guarino* as the Site Plan Review Advisory Board's Alternate Planning Board Representative. There were no other nominations.

Alper:	Y	Morgan:	---
Bagoff:	Y	Rutherford:	Y
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	-----		
Klein:	Y		
Mayor McCartney:	Y		

MINUTES & RESOLUTIONS

- 6/28/2023 PB Draft Minutes

Motion: **Chairman Bagoff**

Second: **Mr. Guarino**

Alper:	Y	Morgan:	---
Bagoff:	Y	Rutherford:	---
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	-----		
Klein:	Y		
Mayor McCartney:	Y		

- 12/6/2023 PB Draft Minutes

Motion: **Chairman Bagoff**

Second: **Mr. Smeraldo**

Alper:	Y	Morgan:	---
Bagoff:	Y	Rutherford:	---
Cardoza (Alt.2):	Y	Smeraldo:	Y

Guarino:	Y	Wilkes:	Y
Kapferer:	-----		
Klein:	Y		
Mayor McCartney:	Y		

APPLICATIONS

- **PB-23-11 Tompkins Realty LLC**

Block: 7; Lots:12.02; Zone: RM

34 Tompkins Street

The applicant is proposing to subdivide an existing lot developed with a two-family home and related improvements into two lots. The existing dwelling is proposed to remain on one lot and a new two-family dwelling is proposed on the other lot.

PRESENTATION

- The attorney Mr. Rick Schkolnick entered on the record on behalf of the applicant and detailed the application.
- It is an application for minor subdivision approval with C variances.
- They are proposing to subdivide the parcel and to create one new tax lot. The plan calls for raising an existing dilapidated and worn-out garage that currently has frontage on Stockman St. and they are proposing to construct a new two-family dwelling fronting on Stockman St. in place of that dilapidated garage They are proposing 4 parking spaces on the ground level underneath two additional stories with two two-bedroom units each with 1.5 baths and approximately 1,053 square feet of living area in each unit.
- The parcel itself is located in the RM zone, which allows for a variety of permitted uses including two family structures. Technically since they are proposing a 2 family on both the new and existing lot, site plan approval is not required for this application per the MLU.
- Fire Department has no concerns about the application.
- They are proposing to add two off street parking spaces with porous pavers right in front of the existing dwelling.
- Mr. Schkolnick introduced Dr. Carmine Allonardo, he entered on the record and he was sworn under oath.
- Dr. Allonardo stated that he has improved the residence since he bought it back on December 2021. He replaced the windows, improved the landscaping, cleaned the entire basement, a new bathroom was included on the first floor and redid the plumbing in every floor.
- Dr. Allonardo states that the rent for the first-floor apartment is \$1200 and the second-floor rent is \$1750.

BOARD QUESTIONS

- Mr. Smeraldo asked if Mr. Allonardo intends to be within the fair market rate with the new construction. Mr. Schkolnick said that it will depend on the marketplace.

NOPROFESSIONAL QUESTIONS

NO PUBLIC QUESTION

PRESENTATION

- The planner Michael Tobia entered on the record, he was sworn under oath and his credential were accepted by the board.
- Mr. Tobia testified that:
- The intended front facade of the building, although it's three stories in a zone that permits 2 1/2 the height of the building, is 31 feet which is 4 feet less than what's permitted in the zone.
- The patios will operate as a recreational amenity on the sides and back of the building.
- The plan is to create a subdivision line. The intended parking area will be 18 feet deep 19 feet wide.
- They will create two parking stalls on site creating approximately 350 square feet of impervious coverage.
- On-street parking has never been an issue on Tompkins Street, so they don't expect that it will become an issue with the addition of the two-family dwelling.
- The main variance would be coverage for both buildings as well as impervious although, if they remove the front yard parking at 34 Tompkins, they would remove the coverage variance for that lot.
- The new buildings front yard setback is proposed at 5 feet. Side yard setbacks would also require variances. The new building is basically proposing the same side yard setbacks as the existing
- The applicant proposes a six-foot setback behind the two-family home to be built 10.7 feet behind the existing two family.
- The applicant would like to create some green space for the tenants to use.
- The parking in front of 34 Tompkins would require a setback variance off the northerly property line; 5 feet is required and it's about 2.5 feet off the property line. They can't move it further South because we would disturb the sidewalk leading to the house.
- Another variance would be needed for the percentage of the front yard covered by parking area; that same variance would apply to this side yard covered by parking area.

BOARD QUESTIONS

- Chairman Bagoff asked if they will put any greenery on the top of the roof. Mr. Tobia said that they will have two separate patios and there is room for planters.
- Chairman Bagoff asked what's the distance between the back of the existing structure and the new structure and where will be the garbage located. Mr. Tobia said there is 16.7 feet between the two buildings. The garbage on 34 Tompkins Street is at the front of the property on the right-hand side and for the new building the trash cans will be located in the garage.
- Chairman Bagoff asked if the applicant is willing to have one parking spot in the front instead of two parking spaces. Mr. Tobia said that the applicant will comply with the board's request in regards to parking.
- Mayor McCartney asked if the hedgerow will be removed to make room for parking. Mr. Tobia answer in the affirmative.
- Council President Rutherford asked what the front yard setback on Stockman Street is. Mr. Tobia said that the applicant is proposing a 5-foot setback.

- Mr. Alper asked if grilling is permitted on the rooftop. Mr. Tobia said that he is not sure, but will double check with the fire department.
- Mr. Cardoza asked if Mr. Tobia could go over the garage at the new building. Mr. Tobia said that there will be an 8-foot-wide garage door. The overall building is 27 feet wide and the length of the building is 39 feet, which is an adequate size for compact size cars.
- Chairman Bagoff asked if an SUV will fit into the garage. Mr. Tobia said that it will fit but they just have to be careful about it.
- Chairman Bagoff asked if there will be bollards to protect the wall. Mr. Tobia said if it is suggested they can make it a condition but Mr. Tobia advises to put a wall mounted rubber bumper instead.

PROFESSIONAL QUESTIONS

- Mr. Hess asked if it is possible to have a shared staircase that goes to the first floor and then a separate staircase to each unit. Mr. Tobia said that will turn the garage into a common area, but the architect will review the idea.
- Mr. Grygiel asked is the new construction will be considered a missing middle housing. Mr. Tobia said that the attorney calls it workforce housing to try and make it to that affordability level.

NO PUBLIC QUESTION

PRESENTATION

- The architect Mr. Frank Mileto entered on the record, he was sworn under oath and his credentials were accepted by the board.
- Mr. Mileto testified that:
- A clicker will be provided to the resident to open the garage door for convenience and safety.
- There will be two doors; one for each garage to access the rear area as a common area. It will also help the issue of storage of any trash that could be put back there and out of sight and then brought out to the front for garbage pick-up.
- The roof will be white and walkable and grilling will be not permitted unless it is an electric grill.

BOARD QUESTIONS

- Council president Rutherford asked if it possible to relocated the staircase to the rear of the property instead of the front. Mr. Mileto said that it will lead to a lot of travel for the resident to get to their apartment.
- Council president asked if the stairway to the roof will be enclosed. Mr. Mileto answered in the affirmative.
- Mr. Smeraldo asked if the windows can fully open in case of emergencies. Mr. Mileto answered in the affirmative.
- Mr. Klein asked where will the HVAC and heat will be located. Mr. Mileto said that they will be through the wall units similar to hotel rooms.

NO PROFESSIONAL QUESTIONS

NO PUBLIC QUESTION

NO PUBLIC COMMENT*

Conditions:

- The new two-family on Lot B will be constructed with a white roof.
- Trash and recycling containers must be stored in the back of the house or in the garage and not on the street.
- Rear man doors will be added to the rear of each garage or provide access to the backyard.
- The fire and sub code official shall each provide guidance for the roof amenity area.
- No flame producing appliances or grills may be used on the roof amenity area.
- A wall mounted rubber bumper shall be installed at the rear of each of the garage units.
- If trees are removed applicant must do a Tree Removal Permit request.
- The plans shall be revised to remove the proposed parking area in front of the existing structure on Tompkins Street, with the front hedges and lawn area to remain.
- Applicant may return to the Board at a later date if parking for Lot A becomes a problem and on-site property is necessary.
- The garage shall be equipped and maintained with a functioning warning system to alert pedestrians and vehicles of vehicles exiting the garage.
- Applicant shall provide notes or cut sheets or similar documentation of the warning system, which shall be subject to review and approval by the Board Engineer.
- The property shall be graded to drain toward Stockman Street.
- When selecting an automatic garage door system, applicant must consider noise and safety and such system must be approved by the West Orange Township Zoning Official.

Motion: Chairman Bagoff

Second: Mr. Smeraldo

Alper:	Y	Morgan:	---
Bagoff:	Y	Rutherford:	Y
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	-----		
Klein:	Y		
Mayor McCartney:	Y		

Meeting adjourned at 10:15PM.

ADOPTED:

Jamilet Baquerizo Vite
Planning Board Secretary