

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
October 25, 2023 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on October 25, 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 November 1, 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; Mr. Peter Smeraldo; Councilwoman Tammy Williams (7:50PM); Mr. Sal Jensen (7:44PM); Mr. Cardoza;

ABSENT:

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

SWEARING IN

- The Township Professionals *Mr. Paul Grygiel, Township Planner and Mr. John Hess* were sworn in.

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.

OBJECTOR PROFESSIONAL PRESENTATION

- Mr. Steck gave testimony in the year 2000 on a prior application at the same site.
- The previous application in which Mr. Steck testified was filed to the Zoning Board of Adjustment.
- The approval for that previous application was never constructed.
- The previous application had objectors and the objector was represented by another planner Mr. John McDonough who is now representing the applicant for the West Orange Plaza application.
- Based on Mr. Steck review there are two significant changes in the most recent application compare to the previous application.

NO BOARD QUESTIONS TO THE OBJECTOR **PROFESSIONAL QUESTIONS TO THE OBJECTOR**

- Mr. Grygiel asked if any change has been proposed to the residential property. The applicant is not doing any physical improvements.

PUBLIC QUESTION TO THE OBJECTOR

- Sally Malanga at Ridge Road asked if it is reasonable for the applicant to be required as a condition by the board to put a conservation easement. Mr. Steck said that it will need the consent from the applicant.

BOARD PROFESSIONALS COMMENT

- The board has complied with pedestrian safety.
- The applicant has complied in regards landscaping.
- The ordinance was amended to allow drive thru in more settings in the township.
- Based on the township professionals they believed that what is proposed is a big improvement compare to what was proposed back in 2020.
- Mr. Hess said that in his opinion the signs are appropriate.

PUBLIC COMMENT*

- Ron Weston at 42 Whitbay Drive commented that he strongly advocatess that the board approves the West Orange Plaza application.

- Phil Litwinoff at Linden Avenue commented that he endorses the concept behind Target taking over the shopping center.
- Joyce Rudin at Woodland Avenue commented that she was hoping for a greener and more sustainable application.
- Erica Fromkin at Stanley Road agrees with the comments from Ms. Joyce Rudin.
- Sally Malanga at Ridge Road commented that she would like the applicant to add natural features in the parking lots, she also recommends that the drive-thru to be removed from the plans and she wants the applicant to put a conservation easement behind the building.
- Terry Trigg at Crystal Woods she is concerned about traffic.
- Moshe Rudin at Woodland Avenue commented that he is disappointed and he is concern about the amount of traffic Target will bring to town.
- Kevin Malanga at Ridge Road commented that the Planning Board does not have jurisdiction to hear this application and should be heard by the Zoning Board.

SUMMATION FROM THE APPLICANT ATTORNEY

- The application has been improved in every aspect based on the comments from the professionals and the public.
- The project will bring significant improvement to the center and to the township.
- The project will bring job and shopping opportunities.

BOARD COMMENTS

- Mr. Alper recommends that the put pollinator gardens be included in the resolution.
- Mr. Klein does have concerns in regards to building C.
- Mr. Guarino is grateful that the applicant is using the comments and recommendations from the Pedestrian Safety Advisory Board.
- Chairman Bagoff commented that the township will make sure that the appropriate business will be approved.
- Chairman Bagoff said that Whole Foods has agree to having tree island in the parking lot.
- Chairman Bagoff commented that the signage will be similar to the Essex Green mall.
- Chairman Bagoff commented that the applicant has complied with the comments given by the board and the public.

VARIANCES REQUIRED

- Minimum front yard setback on Prospect Avenue and Eagle Rock Avenue.
- Minimum side yard setback.
- Minimum rear yard setback.
- Minimum space between buildings.
- Limited parking setback.
- Accessory use location for the proposed drive-thru windows.
- Maximum retaining wall height.
- Loading area/bay location.
- Drive-up window location required yard setback.
- Maximum parking row length without landscaped island.
- Minimum number of parking spaces
- Minimum number of loading spaces
- Maximum light fixtures height
- Minimum lighting levels in parking areas
- Maximum number of wall signs.

- Maximum number of freestanding signs.
- Locations of freestanding signs.
- Minimum sign front setback.
- Maximum sign area-shopping center sign.
- Maximum sign height-shopping center sign.
- Maximum sign width-shopping center sign.

CONDITIONS

- New sidewalks along Building C as suggested by Township Engineer will be installed as shown on the revised site plan exhibit.
- A “Left turn only” sign shall be installed at the Suite D-3 drive thru lane as recommended by the Township Engineer in his report dated June 7, 2023 and as shown on the revised site plan exhibit.
- Applicant will comply with all of the recommendations set forth by the Township Engineer in his report of June 7, 2023 with the exception of: #6- EV spaces will be installed as per State statute (In three phases), #10- already provided on the plans, and #14 relating to the Stormwater Maintenance Manual as it was already provided.
- A note regarding the 0.3 footcandles for light poles to be added to plans.
- Striping to be added to pavement in the rear of the Main Building to show fire lanes.
- Landscaping for parking lot islands to be as shown on the plans as approved by the Town Forester.
- Employee parking and the placement of the EV charging stations shall be installed in accordance with the revised site plan exhibit, or as modified in the future with the prior approval of the Director of Planning and Development/Zoning Official and Township Engineer.
- A new sidewalk will be added at the east corner on Eagle Rock (Near Verizon) reducing one parking space as shown on the revised site plan exhibit.
- Parking lot area in front of Whole Foods- will do addition of green islands as shown on revised plans marked as A-5 at the hearing of October 4, 2023.
- The wall mounted lights in the rear of Buildings A and B shall be lowered to fifteen feet to reduce light onto residential properties as testified to by Mr. Delaney.
- A noise barrier of some type to reduce noise from the courtyard between Buildings A & B as directed towards the residents to the north, as discussed by James Welsh, shall be installed, in addition to the additional five (5) trees shown on the revised landscape plans marked A-5.
- A crosswalk near Jersey Mike’s and the bus stop shall be added as shown on the revised plans marked A-5.
- There shall be no restaurants that meet the Code definition of “fast food restaurant” permitted at the site.
- Applicant will plant and maintain majestic jade arborvitaes to screen dumpsters as shown on the revised landscape plans.
- The Applicant shall shorten screen wall to increase sight line for pedestrians at Building C, as shown on the revised site plan exhibit.
- The Applicant will conduct a video assessment on site of the sanitary sewer system and will add all new and upgraded lines if deemed necessary by the Township engineer. The Applicant shall also provide an evaluation of the sewer functionality of entire site.

- A fence and guard rail will be added on top of the retaining wall behind Target (noted as wall D on the plans).
- The sizes of the pylon signs are reduced to 260 sq. ft. (for the main larger sign) and 220 sq. ft. for the other two pylon signs.
- If trees or shrubbery depicted on the plans fail or die they must be replaced in kind at the first opportunity during the growing season.
- Applicant shall add evergreen shrubs intermittently along the length of Prospect Avenue at a height that will buffer view of the parked cars but allow for the buildings to be seen (approximately 2-3' high) in addition to the Giant Arborvitae's being used to screen the dumpster and drive-through areas.
- Applicant shall comply with the Forester's report of October 23, 2023, with the exception that yearly evaluations will be performed by the Director of Planning and Development/Zoning Official and the Forester and not the Applicant. The Applicant must abide by the instruction of the Forester and Director of Planning with respect to their findings regarding those yearly evaluations.
- Applicant must maintain a sprinkler/irrigation system in the grass/landscape area that runs along Prospect Avenue in perpetuity.

Motion: Chairman Bagoff

Second: Council President Williams

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

Meeting adjourned at 9:35PM.

ADOPTED:

Jamilet Baquerizo Vite
Acting Planning Board Secretary