

Resolution
Township of West Orange
Planning Board
In the Matter of Green Essex Partners Urban Renewal, LLC
100 and 200 Rooney Circle, Block 155, Lots 40.02, 42.02 and 42.01; Executive Drive Multi-Family
Residential Zone (Executive Drive-Rooney Circle Redevelopment Area)
Application #PB-21-03
Decided on April 28, 2021
Memorialized on May 5, 2021
Preliminary and Final Major Site Plan Approval

WHEREAS, Green Essex Partners Urban Renewal, LLC, (hereinafter the "Applicant") has made an application (the "application") for preliminary and final major site plan approval to construct a 425-unit multi-family residential development on properties currently developed with office buildings at 100 and 200 Rooney Circle, also known as Block 155, Lots 40.02, 42.02, in the Executive Drive Multi-Family Residential Zone(Executive Drive-Rooney Circle Redevelopment Area) (the "Redevelopment Plan") ; and

WHEREAS, the Applicant proposes to consolidate the properties into one lot; and

WHEREAS, the application does not require any variances/deviations from the Redevelopment Plan; and

WHEREAS, the Redevelopment Plan was adopted by the West Orange Township Council on February 9, 2021; and

WHEREAS, a properly noticed special public hearing on the application was conducted on April 28, 2021 (the "public hearing"); and

WHEREAS, the Applicant was represented by Francis X. Regan, Esq.; and

WHEREAS, the Applicant provided testimony by Jack L. Raker, R.A., a professional architect whose credentials were accepted by the Board, James Kinoshian, P.E., a professional engineer whose credentials were accepted by the Board, Eric Keller, P.E., a professional engineer specializing in traffic whose credentials were accepted by the Board, Paul DeVitto, L.A., a professional landscape architect whose credentials were accepted by the Board, and Jonathan Schwartz on behalf of the Applicant; and

WHEREAS, the Applicant submitted the following documents to the Board in the form of the application package:

Item	Signed By	Date/Revision
Site Plan (30 sheets)	Zachary E. Chaplin, P.E.	3/19/21
Architectural Plans (21 sheets)	Jack L. Raker, R.A.	3/19/21
Survey-100 Executive Drive	Richard C. Matthews, P.L.S.	5/11/20
Survey-200 Executive Drive	Richard C. Matthews, P.L.S.	5/11/20
Sustainability Memorandum	Zachary E. Chaplin, P.E.	5/8/20
Stormwater Management Report	Zachary E. Chaplin, P.E.	3/19/21

Environmental Impact Statement	Zachary E. Chaplin, P.E.	3/19/21
Fiscal Impact Summary	Richard B. Reading	3/22/21
Executive Drive Redevelopment Waste Management Plan	(not signed)	3/15/21

WHEREAS, the Applicant presented and introduced the following exhibits at the public hearing, in addition to the documents presented to the Board in the form of the application package:

- A-1 Overall Aerial Survey, Stonefield Engineering, dated May 27, 2020; and
- A-2 Colorized Site Plan Rendering, Stonefield Engineering, dated May 22, 2020; and

WHEREAS, representatives of the public had an opportunity to ask questions of the Applicant's witnesses and had an opportunity to offer statements in regard to the application; and

WHEREAS, the Board reviewed and considered the application, testimony and documents submitted therewith; and

WHEREAS, the Board also considered the input of its professionals at the hearings and in written reports; and

WHEREAS, the Board also considered the input of the representatives of the public who appeared at the public hearing; and

NOW THEREFORE, the Board makes the following findings of fact, based upon the evidence presented at its public hearing, at which a record was made.

1. The subject property is developed with two office buildings and other improvements. The existing office buildings are proposed to be demolished. Certain parking areas and an existing pond are proposed to remain. The property generally slopes downward from east to west.

2. The Redevelopment Plan regulates development on the subject property and other properties in the Executive Drive – Rooney Circle Redevelopment Area, and notes the following regarding the development regulations for the subject property:

"The purpose of the Executive Drive Multi-Family Residential District is to permit the redevelopment of the existing office buildings at 100 and 200 Executive Drive into a multi-family residential development. The district is approximately 18.3 acres in area. The envisioned development will consist of one or more types of multi-family housing in multiple buildings with an affordable set-aside. The redevelopment is also intended to include the provision of a public dog park as an amenity for the neighborhood and community at large."

3. The proposed development includes 425 dwelling units in three buildings. Fifteen percent of the units (64 units) will be affordable to low- and moderate-income households, as required by the

Redevelopment Plan. This site is part of the Township's proposed affordable housing compliance plan. The breakdown of units by bedroom type is as follows:

	Market-rate	Affordable	Total
1 Bedroom	167	13	180
2 Bedroom	114	38	152
2 Bedroom plus den	80	0	80
3 Bedroom	0	13	13
TOTAL	361	64	425

4. Building A is the largest of the three buildings. It is located at the southern end of the site and contains 304 dwelling units. This building's height varies due to the topography. Buildings B and C are located in the northeast corner of the property. Building B has 59 dwelling units and Building C has 62 dwelling units.

5. Proposed building materials include manufactured stone veneer, cementitious panels, composite metal panels, composite wood panels, aluminum and concrete. Vinyl windows and shingle roofs are also proposed. Architectural mesh screens are proposed on the exterior of the parking garage adjacent to Building A. The buildings have both flat and pitched roofs.

6. A swimming pool and amenity area is proposed between two wings of Building A. Other exterior amenities include benches, seating areas and a fire table. Interior amenities in Building A include a club room, a game room, a fitness center, a media center, and a private dining room. In Building C, interior amenities include a club room, a game room, a fitness center, and a media center.

7. A total of 817 parking spaces are proposed for the residential portion of the development, while 816 spaces are required. A parking garage with 567 spaces is proposed adjacent to Building A. Surface parking spaces are proposed adjacent to and between Buildings B and C, and 21 garage parking spaces are proposed within each of these two buildings. The garage spaces are individual private garages with a parking space in front of each one in a tandem parking arrangement.

8. Sidewalks are located throughout the development, with a connection to Rooney Circle at its intersection with Executive Drive. A shuttle pickup area is provided at the front entrance to Building A.

9. A dog park is proposed at the northern end of the development, as required by the redevelopment plan. A separate parking lot with is provided for the dog park.

10. According to the Tree Removal Plan (Sheet C20), there are 256 trees proposed to be removed and 185 trees are proposed to remain. Of the trees to be removed, 142 are classified as "dead/dying due to emerald ash bore disease" and 20 are deer damaged. New plantings are proposed throughout the property, including 253 canopy trees, 97 evergreen trees, 560 shrubs, and various grasses and other plantings.

11. 14 electric vehicle charging stations will be installed on the property and pre-wiring will be provided throughout the property to accommodate more charging stations if necessary. The Applicant agrees to pre-wire the dog park parking area for the installation of electric vehicle charging stations at a future date by the Township.

12. The public was afforded an opportunity to ask questions of witnesses and offer testimony on the application.

13. The subject property encompasses 18.31 acres. It consists of two lots currently developed with office buildings, which have a total floor area of 203,171 square feet. Other office buildings are located to the west at 300 Executive Drive and to the northeast at 10 Rooney Circle. A vacant parcel is located directly to the east followed by Essex Green shopping center. The Cambria and Courtyard hotels are also located to the east, along with other commercial and office uses. A PSE&G electric transmission right-of-way borders the subject property on the south. There are detached single-family homes located to the southwest and attached single-family homes located to the south across the PSE&G right-of-way.

14. The following table outlines compliance with the applicable development regulations:

	Required	Provided
Minimum Lot Area	80,000 square feet	797,407 square feet
Minimum Setback to Block 155, Lot 26.01 (PSE&G Property)	15 feet	43.6 feet
Min. Setback to Block 155, Lot 40.03	15 feet	26.4 feet
Min. Setback to Block 155 Lot 40.04	75 feet	256.9 feet
Min. Setback to all other lots / rights-of-way	0 feet	7.1 feet
Maximum Building Height ¹	Four habitable stories ²	Four habitable stories
Maximum Residential Gross Density (Entire District)	24 units per acre	23.2 units per acre
Maximum Lot (Impervious) Coverage	65% ³	54.5%

¹ Parking structures and Garages are excluded from the calculation of habitable stories, but in no case may any parking structure exceed the height of the principal structure to which it is adjacent or attached

² Architectural features such as pitched roofs, gables, domes, steeples, etc. shall be permitted. Projections for roof equipment shall be permitted provided they are screened with a solid or decorative shield and do not exceed fifteen (15') feet in height above the roof deck.

³ Where permeable paving systems are proposed, subject to the approval of the Township Engineer, the areas with permeable paving shall be calculated as 75% impervious. For instance, a parking area and plaza paved with a permeable paving system that equals 20% of the lot area shall be calculated as 15% impervious coverage for purposes of the maximum coverage calculation as it pertains to these district standards.

15. The proposal also complies with the Redevelopment Plan requirements for the minimum number of off-street parking spaces, as 816 spaces are required for the residential development and 817 spaces are provided, including garage spaces.
16. The Applicant is the contract purchaser and the redeveloper for the property and project pursuant to a January 2021 Redevelopment Agreement between the Township and the Applicant.
17. The project will be serviced by new water, gas, electric and cable and telephone extensions.
18. As part of the project a dog park is to be constructed. The park will have areas designated for small and large dogs. Benches, water and other amenities will be provided. The park will eventually be subdivided and deeded to the Township of West Orange.

NOW, THEREFORE, based upon the foregoing findings of fact, the Board reaches the following conclusions of law.

1. This application seeks preliminary and final major site plan approval.
2. The proposed development complies with the regulations of the Executive Drive – Rooney Circle Redevelopment Plan dated February 1, 2021 (“the Redevelopment Plan”) which was adopted on February 9, 2021, including setting aside dwelling units for low- and moderate-income households.
3. No variances/deviations are being requested to permit the proposal.
4. N.J.S.A. 40:55D-46b and 50a are the focal points for consideration of the preliminary and final site plan applications. N.J.S.A. 40:55D-46b provides that the Board “shall” grant preliminary site plan approval if the proposed development complies with all provisions of the applicable ordinances. Similarly, N.J.S.A. 40:55D-50a provides that final site plan approval “shall” be granted if the detailed drawings, specifications, and estimates of the application conform to the standards of all applicable ordinances and the conditions of preliminary approval. As such, if the application complies with all ordinance requirements, the Board must grant approval.

NOW THEREFORE be it resolved by the Planning Board of the Township of West Orange that the application of Green Essex Partners Urban Renewal, LLC, for property located at 100 and 200 Rooney Circle, is determined as follows:

1. Preliminary and final major site plan approval is granted pursuant to N.J.S.A. 40:55D-46 and 50.

AND IT IS FURTHER RESOLVED that the above approval is subject to the following terms and conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or 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 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. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.
6. 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.
7. Applicant shall work with the Township in order to deed the proposed dog park part of the site to the Township and shall otherwise comply with the terms of the applicable Redevelopment agreement with the Township.
9. Applicant will comply with all applicable memorandums of the Township tree expert and the Board's Planner and Engineer. Applicant shall comply with any other applicable memorandums of Township officials.

10. Applicant shall utilize best practices for the recycling of building materials from any razed buildings on the property and shall utilize such materials in any new construction to the extent practicable.

11. In consultation with the Board's Planner and the Board's engineer, Applicant shall confirm and certify to the final arrangement for parking on the properties, including final total number of spaces. Such final parking arrangement must comply with all applicable ordinances.

The undersigned secretary certifies the decisions set forth herein was made by this Board on April 28, 2021 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 5, 2021.


Diana L. Chandler, Acting Board Secretary

Vote on Action Taken by the Board on April 28, 2021

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Bagoff (Ch.)	x		x			
Guarino		x	x			
Johnson						x
Trenk						x
Smeraldo			x			
Klein						x
McCartney			x			
McNair			x			
Wilkes (V. Ch)			x			

Vote on Memorialization on May 5, 2021:

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Bagoff (Ch.)						
Guarino						
Johnson					x	
Trenk					x	
Smeraldo						
Klein					x	
McCartney						
McNair						
Wilkes (V.Ch)						

