

RESOLUTION

Township of West Orange

Planning Board PB 24-04 Montclair Golf Club/25 Prospect Avenue

Block: 151 Lot: 1; Zone: R-2

Decided on June 6, 2024

Memorialized on July 10, 2024

**Application for Preliminary and Final Site Plan Approval with C Variances to Construct a
New Halfway House and Modify Existing Golf Course Facilities**

WHEREAS, Montclair Golf Club (Hereinafter the “Applicant”) has made an application for Preliminary and Final Site Plan Approval with C Variances to modify its existing golf course facilities, specifically to construct a new “halfway” house with covered seating areas, an open outdoor sitting area and fire pit with perimeter seating and to demolish portions of an existing pool complex (which is no longer in use) and construct a 1,170 square foot addition to an existing accessory building (the Golf Shop building) and provide various other improvements to the property including construction of a 3-foot high stone wall along the clubhouse frontage to improve aesthetics, located at 25 Prospect Avenue, also known as Block: 151, Lot 1 (the “Property”); and

WHEREAS, the Property is located in the R-2 Zoning District which permits golf courses as a principal use along with customary and incidental accessory structures associated therewith; and

WHEREAS, a properly noticed public hearing on the application was conducted on June 5, 2024; and

WHEREAS, the Applicant was represented by Alan G. Trembulak, Esq.; and

WHEREAS, the Applicant provided testimony of Gregg Woodruff, from Langan Engineering and Environmental Services, Inc. a professional planner, Timothy Derrick, P.E. of Langan Engineering and Environmental Services, Inc. as a civil engineering expert and Brian Cooney of F.J. Rawding, AIA of F.J. Rawding, AIA as an architectural expert; (the “Applicant’s Witnesses”); and

WHEREAS, in addition to the Development Application and Checklists, prior resolutions of approval, and the Tree Permit Removal/ Replacement Application, the Applicant submitted the following plans, reports and documentation to the Board as part the application package:

ITEM	SIGNED BY	DATE/REVISION
Preliminary and Final Site Plan Drawings (26 Sheets)	Michael J. Fowler PE, David R. Avery, PLS and Michael Szura, CLA of Langan Engineering & Environmental Services, Inc.	May 3, 2024
Architectural Plans (2 sheets) Halfway House	Frank J. Rawding, RA	May 3, 2024
Architectural Plans (2 sheets) Pro Shop Renovation	Frank J. Rawding, RA	May 3, 2024
Stormwater Management Report	Michael Fowler, PE	May 3, 2024
Existing and Proposed Parking Count Figures (2 sheets)	Langan Engineering & Environmental Services, Inc	May 3, 2024
Stormwater Maintenance Plan	Michael Fowler, PE	May 3, 2024

WHEREAS, representatives of the public were provided with an opportunity to pose questions of the Applicant’s Witnesses, and also had an opportunity to offer statements in regard to the application; and

WHEREAS, the Board reviewed and considered the application and the documents submitted therewith, the testimony of the Applicant's Witnesses, members of the public, as well as the exhibits marked into evidence during the course of the hearings ;and

WHEREAS, the Board also considered the testimony and filed review letters of its professionals at the hearing including a planning report dated May 28, 2024 by Gerard M. Haizel, PP, AICP, of Nishuane Group, Township's Consulting Planning Board Planner and engineering reports by John Hess, PE, PP, CME, Township Planning Board Engineer dated March 11, 2024; and June 4, 2024;

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 Applicant is requesting approval for Preliminary and Final Site Plan to renovate and expand the existing golf building, demolish the original pool complex and replace it with a new 840 sf halfway house building, surrounded by an addition of 1,771 sf of outdoor covered space, a paver paved outdoor seating area, a paved walkway between the golf building and the proposed halfway house, a reconfiguration of the parking in the front yard of the site on the Prospect Avenue frontage and a 3-foot tall solid wall along the property line extending between the ingress to the circular driveway to the existing ingress/egress further to the south and then to the existing caddy shack. The caddy shack will be eliminated and in the front yard directly opposite the Club House entry, fifteen (15) new parking stalls are proposed with a two-way access driveway extending along the front property line and the proposed new wall and back onto the circular driveway.

2. The area of the Property is 277.29 acres, and it is occupied by a 36-hole golf course, a pool, a golf building housing a pro shop, several maintenance buildings, and several other accessory structures.
3. Surrounding the Property are single-family residential properties, as well as a Residence Inn Hotel and the former Manor catering facility to the southeast.
4. Variances required for the application are:

SECTION/REQUIREMENT	PERMITTED/REQUIRED	PROPOSED
25.8.1(f) Maximum Building Height for Accessory Building	1 ½ stories/15 feet	Golf Building- 1 story/24 ft
25.8.1(f) Maximum Building Height for Accessory Building	1 ½ stories/15 feet	Halfway House- 1 story/22 ft
25-8.4(a) Maximum Fence Opacity	50%	100%

5. The locker room and snack bar will be demolished so to expand the pro shop, golf bag storage and starter area. Two golf simulators will also be added to the expanded structure and a new golf cart staging area is proposed.
6. The proposed “halfway house” or “refreshment center” will have a kitchen and bathrooms for during and after golf rounds.
7. The halfway house is located between the 9th and 10th hole and is an 840 sq. ft. building (inside the enclosed walls) and 1,750 sq. ft. of covered porch area for people to dine. The building is a single story and has an ADA bathroom, janitor’s closet, prep kitchen and serving area and bar for the covered porch area. Shutters roll down at the end of the day to secure the building.
8. The halfway house will be constructed of composite clapboard, a slate-like roof and a decorative roof railing to match the existing buildings on the campus.

9. The pro shop is currently 4,800 sq. ft. and with the demolition of the pool accessory rooms on the left side, there will be a total expansion of 1,730 sf. ft. which will be a net increase to the pro shop of 138 sq. ft. The addition to the golf building will also include an increase in the starter area, more golf bag storage, an area for two golf simulators, a lounge and back of the house area to support the golf shop.
10. The project also includes expanding the driveway furthest south to add a dedicated left and right turn lane with curbing along Prospect Avenue and a decorative three-foot high stone wall.
11. Applicant proposes to add fifteen (15) new parking spaces for a total of 389 Parking spaces on site. The ADA spaces will remain, and an additional EV space will be added.
12. The new golf building addition is approximately 210 feet from Prospect Avenue and the halfway house is 300 feet from Prospect Avenue. Both new constructions will be constructed further into the golf course and will be mostly shielded from view from Prospect Avenue.
13. The sections of roof that are flat will be white to reduce the heat island.
14. The roof peaks, which create the need for a variance due to height are in keeping with the aesthetic style of the other buildings on campus and the proposed halfway house and addition to the golf building are set back from Prospect Avenue.
15. The grading will remain as existing and there will be grading, drainage, lighting and utilities improvements.
16. The proposed new lighting will be decorative pole fixtures to match the existing fixtures and additional decorative fixtures on top of the proposed wall. The lights will not be directed toward the road.

17. Small shrubs and other landscaping will be planted along the decorative wall (with the intention that the landscaping does not grow higher than the decorative stone wall.)
18. Only one tree is proposed to be removed, an Ash tree that is in poor health and which the Township Engineer requested removal.
19. In response to the concerns voiced at SPRAB regarding the stacking of vehicles, the Applicant's engineer testified that the existing parking lot has been functioning for over fifty years with only one way in and out and the proposed improvement will enhance the ingress and egress function.
20. Applicant requested a design waiver of the internal sidewalks because the members and other persons at the Club have always walked through the parking lot.
21. Applicant had no plans to construct sidewalks along Prospect Avenue but did, at the Board's request, consented to adding a section of sidewalk to run parallel to the decorative wall.
22. N.J.S.A. 40:55D-60 permits a planning board to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a "d" variance as part of site plan or subdivision review. The variance proofs are the same as for "c" variances as set forth in N.J.S.A. 40:55D-70. A c (2) variance may be granted when the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a "c (2)" variance must include benefits to the community as a whole, not just the applicant or property owner. A "c" variance must address the "negative criteria," and affirmatively demonstrate that the variance can be granted "without substantial

detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality.

23. N.J.S.A. 40:55D-46a. and b. and N.J.S.A. 40:55D-50a. govern the Board’s review of the preliminary and final site plan application. N.J.S.A. 40:55D-46a provides that an “ordinance requiring site plan review and approval shall require the developer submit to the administrative officer a site plan and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary site plan approval have been met.” N.J.S.A. 40:55D-46a further provides that “The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient.” N.J.S.A. 50:55D-46b provides that “if the planning board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development” and “the planning board shall, if the proposed development complies with the ordinance and this act, grant preliminary site plan approval.” 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 Applicant meets the standards set forth in the ordinances, the planning board

lacks the authority to deny approval of the site plan and subdivision. N.J.S.A. 40:55D-50a; PRB Enters., Inc. v. S. Brunswick Planning Bd., 105 N.J. 1, 7 (1987); Dunkin' Donuts of N.J., Inc. v. Twp. of N. Brunswick Planning Bd., 193 N.J. Super. 513, 515 (App. Div. 1984). Conversely, if the application does not comply with all ordinance requirements, the Board must deny approval. Cortesini v. Hamilton Planning Board, 417 N.J. Super. 201, 215 (App. Div. 2010). However, there is an exception when there is an application that does not comply with all ordinance requirements but the Board grants relief in terms of variances or exceptions. In that case, the Board then must review the application against all remaining ordinance requirements and grant approval if the application complies with all such remaining requirements.

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

1. This application requires the following variance relief, as well as site plan approval:

SECTION/REQUIREMENT	PERMITTED/REQUIRED	PROPOSED
25.8.1(f) Maximum Building Height for Accessory Building	1 ½ stories/15 feet	Golf Building- 1 story/24 ft
25.8.1(f) Maximum Building Height for Accessory Building	1 ½ stories/15 feet	Halfway House- 1 story/22 ft
25-8.4(a) Maximum Fence Opacity	50%	100%

2. The Municipal Land Use Law, at N.J.S.A. 40:55D-70(c) provides Planning Boards with the power to grant variances from bulk and other Ordinance requirements when the Applicant satisfies certain specific proofs enunciated in the statute.
3. Under the c(2) criteria, the Applicant must demonstrate that in a particular instance relating to a specific piece of property, the purposes of the Act would be advanced by

allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment.

4. These tests specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” variance relief, under Section c (2).
5. Also, an applicant for these variances must show that the proposed relief sought will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The burden of proof is upon the Applicant to establish that these criteria have been met.
6. The only waiver requested by Applicant was a design waiver as to the internal sidewalks.
7. As for the requested bulk variances, they also satisfy a c (2) criteria as Applicant has provided credible evidence that the following purposes of the MLUL set forth in N.J.S.A. 40:55D-2 are advanced: N.J.S.A. 40:55D-2(g) to provide sufficient space in appropriate locations for a variety of recreational uses and (i) to promote a desirable visual environment as the proposed height variances are in keeping with the architecture of the other buildings at the club and the proposed wall is an attractive accent to the frontage of the club.
8. There are no detriments to the zone plan or negative impact from the proposed project as the additional building and addition to the golf building are set back into the golf club and are almost entirely screened from view from the street and the proposed wall will allow for an aesthetic border and may also provide some benefit by blocking headlights of vehicles in the parking lot from spilling onto the street.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of West Orange that preliminary and final site plan approval with variance relief for the application of Montclair Golf Club for property located at 25 Prospect Avenue, is determined as follows:

1. The Board grants the following bulk variance relief pursuant to N.J.S.A. 40:55D-70c (2):

SECTION/REQUIREMENT	PERMITTED/REQUIRED	PROPOSED
25.8.1(f) Maximum Building Height for Accessory Building	1 ½ stories/15 feet	Golf Building- 1 story/24 ft
25.8.1(f) Maximum Building Height for Accessory Building	1 ½ stories/15 feet	Halfway House- 1 story/22 ft
25-8.4(a) Maximum Fence Opacity	50%	100%

2. The design waiver for the internal sidewalks is granted.
3. Preliminary and final site plan approval is granted along with the c (2) variance approval set forth above.

IT IS FURTHER RESOLVED that the approval granted to Montclair Golf Club, 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, 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 but excluding interior renovations, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental land use approvals.
2. If another governmental entity or agency grants a waiver or a 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 successor 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 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 the notification or this approval may 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 agrees to comply with all of the recommendations set forth in the CME report by John Hess, P.E. dated June 4, 2024.
8. The flat roofs on the new building and additions shall be white/light color to reduce the heat island.
9. An automated external defibrillator (AED) must be installed and maintained at the halfway house/refreshment center.
10. The landscape plan shall be reviewed by the Township Forester to ensure no invasive species will be planted.
11. The Forester shall also do a review of all the trees on the West Orange property to determine if there are any noxious trees and Applicant must follow the direction of the Forester if any noxious trees are located.
12. All new windows shall be Therma-pane/low energy type.
13. Applicant agrees to install a public sidewalk along Prospect Avenue running the length of and parallel to the wall being installed at the front of the Club. The sidewalk must be installed at the same time that the wall is installed.
14. The Applicant shall list all conditions of approval onto a final site plan submission prior to the submission of the building permit.

The undersigned secretary certifies the decision set forth herein was made by this Board on June 5, 2024, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on July 10, 2024.

Jamilet Baquerizo Vite
Planning Board Secretary

Vote Action Taken by the Board on June 5, 2024:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
R. Bagoff						
J. Guarino						
S. McCartney						
B. Rutherford						
K. Alper						
W. Wilkes						
L. Klein						
C. Morgan						
P. Smeraldo						
J. Cardoza						
L. Kapferer						

Vote on Memorialization on July 10, 2024:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
R. Bagoff						
J. Guarino						
S. McCartney						
B. Rutherford						
K. Alper						
W. Wilkes						
L. Klein						
C. Morgan						
P. Smeraldo						
J. Cardoza						
L. Kapferer						