

RESOLUTION OF APPROVAL
PLANNING BOARD OF THE TOWNSHIP OF WEST ORANGE

Decided: October 4, 2017
Memorialized: November 1, 2017

CRESTMONT COUNTY CLUB
Preliminary and Final Site Plan Approval
With “c” Variances
750 Eagle Rock Avenue
Block 174, Lots 1 and 1.01
PB-17-08

WHEREAS Crestmont County Club (the “Applicant”) having an address at 750 Eagle Rock Avenue, West Orange, NJ 07052 having made application for Preliminary and Final Site Plan Approval with variances for premises at 750 Eagle Rock Avenue, West Orange, NJ also known as Block 174, Lots 1 and 1.01 on the tax map of the Township of West Orange (the “Premises”); and

WHEREAS the Board having conducted a public hearing on this application on September 6, 2017 and October 4, 2017; and

WHEREAS the Applicant having appeared by its attorney Richard Angowski, Esq., and by witnesses Alan Ackerman, Wayne Jacques, RA, Jeff Morris, PE, PP, and Tim Clinton, and having received review letters from Board Consulting Engineer Eric Keller, PE, PP dated August 31, 2017 and September 29, 2017, and from Township Planner Paul Grygiel, AICP dated September 5, 2017 and September 25, 2017, and the Board having granted an opportunity for public comment, and having deliberated on the merits of the application,

IT IS HEREBY RESOLVED:

EVIDENCE SUBMITTED

In summary, the following evidence was received and/or introduced in connection with this application:

1. A West Orange Planning Board application form, and the following:
 - i. Proposal for “c(2)” parking variance;
 - ii. Checklist;
 - iii. Application for Tree Removal and Replacement Permit;

- iv. Adjacent parcels in Borough of Roseland and Township of Livingston;
 - v. Former Land Use Applications and Resolutions;
 - vi. Site Plan prepared by Boswell Engineering dated August 24, 2017 last revised September 21, 2017 (17 Sheets);
 - vii. Architectural Drawings prepared by Jefferson Group Architecture dated September 22, 2017 (5 Sheets);
 - viii. Steep Slope Analysis prepared by Boswell Engineering dated September 1, 2017 (2 Sheets);
 - ix. Partial Topographic Survey prepared by Boswell Engineering dated April 18, 2017 (3 Sheets); and
 - x. Storm Water Management Report prepared by Boswell Engineering dated June, 2017.
2. In addition, the Board also received the following:
- i. Response Memo prepared by JGA Architectural Design dated September 4, 2017; and
 - ii. Response Memo from Boswell Engineering dated September 27, 2017.

3. The Board accepted into evidence the following testimonial exhibits:

APPLICANT EXHIBITS

- A-1:** Main Level Furniture Floor Plan, Page 4A, dated 9/1/17, JGA Architectural Design;
- A-2:** Lower Level Floor Finishes Plan, Page 2, dated 9/1/17, JGA Architectural Design;
- A-3:** Main Level Floor Finishes Plan, Page 4, dated 9/1/17, JGA Architectural Design;
- A-4:** Proposed Exterior Renderings (2) (North and South facades) Guest & Member Entry View, Course View, Page 6, dated 9/1/17, JGA Architectural Design;
- A-5:** Proposed Exterior Color Rendering – Finishes for Guest Entry, Roof, Ladies Lounge, Front & Side Elevations, Page 7, dated 9/1/17, JGA Architectural Design;
- A-6:** Pool Plan, Page 26, dated 9/1/17, JGA Architectural Design;

- A-7:** Exterior Pool 3D Rendering, Page 27, dated 9/1/17, JGA Architectural Design;
- A-8:** Lower Level Floor Plan, part of response letter dated 9/4/17; 3 drawings A1.0, A1.1, A3.1 by JGA (undated) issued in response to Bowman Memo dated 8/31/17
(Exhibit for Testimonial Purposes only);
- A-9:** Color Rendering Site Plan, Drawing No. 17-126-SP-1, dated 8/31/17, Boswell Engineering;
- A-10:** Color Rendering Steep Slope Analysis-Existing Conditions, Drawing No. 17-126-SS-1, dated 9/1/17, Boswell Engineering;
- A-11:** Site Plan Drawing Set, 17 Sheets, Revised 8/24/17, Boswell Engineering

Board Exhibits

- B-1 Color Photo of existing conditions on the property
- B-2 Color Photo of existing conditions on the property
4. Richard J. Angowski, Jr., Esq., appeared on behalf of the Applicant and stated that the application was for improvements to the Crestmont County Club including renovations to the existing clubhouse entrances, pool deck, parking lot, utilities, and improvements elsewhere on site.
 5. Alan R. Ackerman was sworn and testified that he is the President of the Crestmont County Club. He stated that the club was 64 years old and has had renovations in the past, however, the proposed renovations would upgrade the Club's facilities and help to ensure its future competitiveness in the marketplace. He noted that renovations include upgrades to the existing interior infrastructure, increasing the size of the Donald Ross Room in the Clubhouse and enhancing the pool deck. There are currently 244 parking spaces and the upgrade would increase the number of spaces to 250. Mr. Ackerman stated that the Club membership capacity is 250 and there were currently 220 full-time adult members. He testified that the Club's parking lot was never full and that he estimated no more than 70 to 80 cars were at the Club for any event including major holidays.
 6. In response to Board questions Mr. Ackerman stated that if there was a large gathering which required additional parking the Club would make arrangements so that it would not create problems off-site. Mr. Ackerman noted that there was valet parking during major events. The Board noted

that there had recently been a prior application to place a bubble over two of the tennis courts on the Club's property and Applicant's attorney stated that this application would not conflict with the prior approval for those tennis bubbles.

7. A Board Member noted he had visited the site and was concerned about large areas of stored materials such as trees, unscreened dumpsters and other debris. He introduced 2 photographs which were marked as Board Exhibits B-1 and B-2 which were pictures of maintenance areas, cut trees, and trucks. Mr. Ackerman responded that the Club had thousands of trees on site which were managed and maintained by Club staff. The Club's manager and agronomist from Rutgers University were identifying trees that are unhealthy so that they could be taken down, chopped up and removed from the property. He stated that it was not the Club's intention to have stumps and/or tree debris remain on the property.
8. In response to questions from the public Mr. Ackerman noted that rather than replacing the unhealthy trees with additional trees the Club was looking to replace them with fescue grasses which are more beneficial to the golf course and the environment in general.
9. Wayne Jacques, RA was sworn and qualified as an expert in architecture. Mr. Jacques gave a description of the Clubhouse and the existing additions and the improvements which included removal of old porticos and construction of new porticos at both the Main Entrance and the Member's Entrance, expansion of the Donald Ross Dining Room, expansion of the restrooms, and new ADA accessible ramp. A new pool deck would be constructed and all exterior finishes would be upgraded to match the main Clubhouse. Mr. Jacques stated that the entire proposed area of additions totaled 4,279 sq ft.
10. In response to Board questions Mr. Jacques testified that the truck loading dock would remain in the same area but would be extended with gates; the height of the building would not be increased; and the renovations would impact less than 10 percent of the overall building. Mr. Jacques then reviewed comments from the review letter by Bowman Consulting dated August 31, 2017.
11. Applicant called Jeffrey Morris, PE, PP who was sworn and qualified as an expert in engineering and planning. Mr. Morris described the overall site plan and testified that the proposed area of outside improvements were located primarily in the northerly portion of the Club near Eagle Rock Avenue. The auxiliary parking lot would be restriped and the existing exit driveway to Eagle Rock Avenue would be abandoned and a new egress driveway to Eagle Rock Avenue would be built. Vehicles would continue to enter the site from Laurel Avenue to the Clubhouse where there would be modifications to the existing porte cochere. The improved main parking lot

would have curbed landscaped islands at the end of each parking bay with trees and lighting. Improvements to the pool house include a 1,200 sq ft pool deck and a handicapped accessible ramp. Mr. Morris stated that the Club sought to install a new egress which would line up with the existing intersection of Eagle Rock Avenue and Oval Avenue. He stated that the proposed new egress would have better sight distances. He stated that additional improvements included upgrades to the gas and water utilities to the Clubhouse for better fire protection and utility service. Mr. Morris noted that the proposed additions to the building and parking lot layouts would not create setback issues. The existing driveway to be replaced would be milled, grinded, landscaped and planted. Mr. Morris testified that the project would include the removal of 69 trees and that 47 of them were beyond a 75 ft setback from Eagle Rock Avenue. Many of the removed trees were the result of the new proposed egress road. Mr. Morris referred to the grading, drainage and landscaping plan (drawing No. 17-126-GD-1) and described the proposed parking lot plan with end islands. Underground detention systems was proposed for the new driveway. 14 ft light poles were proposed in the parking area. He also described that Applicant was seeking a new water connection from a main on Eagle Rock Avenue. It was noted that the proposed water and gas lines would not follow the new roadway but would cut through the existing treed area between Eagle Rock Avenue and the clubhouse.

12. Regarding steep slopes that would be disturbed by the new driveway and utility connections Mr. Morris stated that in his opinion all of the slopes which were being disturbed were man-made.
13. Mr. Morris then reviewed Eric Keller's engineering review letters.
14. Responding to Board questions Mr. Morris noted that Applicant was replacing 24 trees which was the number of trees being removed which are not exempt from removal pursuant to the Ordinance; that the new storm water system is entirely on Club property and would be maintained by the Club; that the Applicant would not plow snow out onto Eagle Rock Avenue; that additional trees would be added in the auxiliary parking lot, and that consideration would be given to reducing the current pavement areas not needed for circulation to reduce the amount of paved surface.
15. Mr. Morris then turned to planning testimony and stated that the number of parking spaces in the Ordinance was far greater than the number which were utilized by the Club even during larger events. He noted that fewer parking spaces would also create less storm water runoff. He testified that the benefits of the proposed disturbance to steep slopes and reduction of parking spaces outweigh the detriments and at worse, even if there were insufficient number of spaces, the Applicant could park additional cars on site in other locations. Mr. Morris introduced Exhibit A-10 which is a steep slope analysis and noted those areas of the premises which exceeded 25

percent slope and required variance relief. He stated that where the new driveway exits the parking area and as it nears Eagle Rock Avenue are the steep sloped areas which would be disturbed along with the trench for new gas, electric and water connections.

16. Tim Clinton was sworn and testified that he is the General Manager of the Applicant. He stated that the Club needs all three dumpsters it has on site, that he was not aware of any accidents at the Club's exit drive onto Eagle Rock Avenue, and that in the event of large gatherings the Club would park surplus vehicles on the property and not on Laurel Avenue or Eagle Rock Avenue.
17. Various members of the public cross-examined Applicant's witnesses and spoke during public comment raising concerns about the removal of trees, the proposed new driveway, safe egress from Applicant's driveway, sidewalks and handicapped accessibility.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

18. The subject property is located in the R-2 Zone where golf courses are a permitted use. The property is generally surrounded by residential neighborhoods, although there are nonresidential uses in the vicinity including Essex Fells Country Club, Pleasantdale Chateau and multiple houses of worship.
19. Applicant is seeking approval to expand the existing clubhouse building and pool house area in the northeastern portion of the Club's property. The proposed expansion would include: a new 550 square-foot deck and accessible ramp adjacent to the grill room on the south side of the clubhouse, connecting the grill deck to the existing deck on the southwest corner of the clubhouse, a 1,200 square foot pool deck and accessible ramp directly south of the pool house, a new loading dock area, a new two-car porte cochere at the main entrance, a new members' only entrance and porte cochere, and a new 7,900 square foot egress driveway to Eagle Rock Avenue. The Applicant also proposes to repave and restripe the existing parking. New utility lines, including gas and sanitary sewer, would be constructed and extended to the existing lines at Eagle Rock Avenue.
20. During the hearing and in response to concerns expressed by the public and the Board the Applicant decided to keep the existing driveway to Eagle Rock Avenue as-is and forego its plans to move it.
21. The renovations sought are relatively minor given the size of the property (240+/- acres). The proposed Clubhouse addition would be 3,100 sf. The proposed new 7,900 sf driveway was removed from the plans.

22. Although the use is permitted the proposed improvements would require variance relief as follows:

<i>SECTION</i>	<i>REQUIRED</i>	<i>EXISTING</i>	<i>PROPOSED</i>
<i>25-12.2b Minimum Required Parking</i>	<i>1,286</i>	<i>244</i>	<i>250</i>
<i>25-28.8c Disturbance of Slopes of 25%</i>	<i>Not permitted</i>	<i>Unknown</i>	<i>1,878 sf of Disturbance</i>
<i>25-27.4b4 Removal of Trees on Slopes >15%</i>	<i>Not Permitted</i>	<i>N/A</i>	<i>Trees proposed to be removed</i>

23. The Board finds that the variances sought can be justified. The Applicant proposes upgrades and improvements to an existing use which has occupied the site for 54 years. The disturbance will be the result of installing new utility lines from Eagle Rock Avenue to the Clubhouse which will provide better fire safety, and the tree removal which would result would be offset by new trees being planted elsewhere on the property. The testimony indicated that the slopes being disturbed were manmade and not natural slopes. The Board finds that the proposed route for the new utility lines is reasonable and the landscaping and new trees proposed will offset any tree removal. The Board notes that Ordinance Section 27.4c5 exempts trees on a golf course which are greater than seventy-five (75) feet from a property boundary from the tree removal permit requirement. The Board also finds that Applicant's decision to keep the exit drive in its current location onto Eagle Rock Avenue will avoid further disturbance of steep slopes and existing trees.
24. Regarding parking both the Club President and Manager testified that parking is rarely a problem and that in the event additional parking is needed there is sufficient room on site to accommodate it and avoid spillover onto neighboring roadways or streets. The Board notes that the Applicant has extensive acreage and represented it would create added parking and/or valet service if an overflow event occurred.
25. The Board is mindful of the "Complete Streets" policy set forth in the 2016 Master Plan Circulation Plan Element Amendment. This Board's Resolution §13-02 which recommended implementation of the Complete Streets policy recognized certain exemptions would be necessary, including the "cost of accommodations is excessively disproportionate to cost of the project." Here, Applicant has several hundred yards of street frontage and is making limited upgrades to its existing facilities. The Board finds that imposing a requirement for Applicant to install sidewalks along its entire street frontage would be unfairly cost prohibitive in relation to the improvements proposed.
26. The benefits of the improvements would outweigh the detriments because the plan offers a better alternative to what the ordinance permits and would

promote the general welfare by promoting the appropriate use of land. Little or no detriment would result, either to the neighboring properties, the public good in general, or to the Township's planning documents or ordinances. It is worth noting that the nearest single family homes to the proposed expanded pool deck are more than 250' away. The Clubhouse improvements would also promote a desirable visual environment.

27. In sum the Board finds that the Applicant has carried the burden of proof, including both the positive and negative criteria, necessary to obtain the variance relief sought.
28. The Board also finds that a waiver from the requirement of having a licensed landscape architect prepare a landscaping plan is warranted. Applicant's engineer provided detailed drawings and testimony which made clear both the location of trees being removed as well as replacement trees and landscaping being added. The Board finds that the landscaping plans and testimony which were submitted were more than sufficient to meet the general purpose and intent of the Ordinance provision. The Board further finds that the landscaping proposed by Applicant will improve the site especially the parking areas, and will help create a desirable visual environment pursuant to MLUL 2(i).

THE DECISION

WHEREAS, the Board, having reviewed the application for Preliminary and Final Site Plan approval and associated "c" variance relief and having considered the impact of the proposed application on the Township's master plan and zoning ordinance and the surrounding property owners, and having considered whether the proposal complies with and furthers the goals of the land use and zoning ordinances of the Township of West Orange and the Municipal Land Use Law; and upon the imposition of specific conditions to be fulfilled, hereby, concludes that good cause has been shown to approve the application.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Orange that the application for Preliminary and Final Site Plan approval with "c" variances relief and Soil Removal Permit as set forth in the plans, reports, representations, testimony, stipulations and Exhibits offered by the Applicant is granted subject to the following 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. All conditions of approval shall be written on the site plans.

8. Applicant to comply with the review letters from Bowman Consulting dated August 29, 2017 except for Item #17.

9. Applicant shall comply with the recommendation in the Memo from Township Forrester John Linson dated October 4, 2017 which states: "I recommend that the Applicant be required to amend the landscape plans to provide for the restoration of the disturbed area within 75' of the property boundary."

10. Applicant to provide an Engineer's estimate of the cost of improvements for calculation of Engineering inspection fees.

11. Prior to beginning work Applicant shall request a pre-construction meeting with Township officials.

12. Applicant shall work with the Township Forrester regarding tree removal and replacement and shall plant not less than the number of trees removed, including additional replacement trees if additional trees within 75 ft. of a public roadway are removed.

13. Applicant shall not shovel snow onto Eagle Rock Avenue.

14. Applicant to comply with recommendations by the Township Fire Officials as they apply to the proposed improvements.

15. Applicant shall use commercially reasonable efforts to avoid tree removal to the extent possible when digging the trench for the new utility lines from Eagle Rock Avenue to the Clubhouse, and will detail this restriction on the site plans.

16. Applicant shall permanently maintain landscaping to preserve sight lines on both sides of the exit drive onto Eagle Rock Avenue, and revise the landscape plan to detail the required treatments at the exit driveway intersection with Eagle Rock Avenue.

17. Applicant shall provide lighting in the overflow parking area per the review and approval of the Board Engineer.

18. Applicant shall comply with fire lane widths and/or other requirements in the parking areas.

19. Applicant shall provide supervision for parking for large events.

20. Applicant shall install "Do Not Enter" and other appropriate signage in the parking areas subject to the review and approval of the Board Engineer.

21. Applicant to install markers along the exit driveway to Eagle Rock Avenue.

22. Applicant shall provide an "as-built" survey of the newly installed utilities.

Certified to be a true copy of the Resolution adopted on the 1st day of November, 2017.



Robin Miller, Secretary

Vote on the Action Taken by the Board

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Cardoza (2 nd Alt.)		*	*			
Eben			*			
Ghebremicael						*
Keigher			*			
Klein (Vice Chair)						*
McCartney			*			
Trenk						
Wegner (1 st Alt.)			*			
Weston			*			
Wilkes						
Bagoff (Chair)	*		*			

Vote on the Memorializing Resolution

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Cardoza (2 nd Alt.)			*			
Eben			*			
Ghebremicael						
Keigher			*			
Klein (Vice Chair)						
McCartney		*	*			
Trenk						
Wegner (1 st Alt.)						*
Weston			*			
Wilkes						
Bagoff (Chair)	*		*			