

RESOLUTION

BOARD OF ADJUSTMENT

TOWNSHIP OF WEST ORANGE

RESOLUTION ZB-05-33

WHEREAS, Cresmont Country Club ("The Applicant"), the owner of the property located at 750 Eagle Rock Avenue, West Orange, New Jersey 07052, being Block 174 and 177, Lots 1 and 29 on the Tax Map of the Township of West Orange, and located in the R-2 zone applied to the West Orange Board of Adjustment ("The Board") for preliminary and final site plan approval for improvements to the Bag Room, Grill Room, Pool house and Dormitory on site along with "D" variances (1) for expansion of non-conforming use and (2) for two uses on one site; and

WHEREAS the Applicant presented proof that adequate notice of the hearing on the application was published in the West Orange Chronicle, one of the official newspapers of the Board; and

WHEREAS the Applicant submitted proof of notice of the hearing upon all property owners within 200 feet of the property; and

WHEREAS the Application was heard at a public meetings of the Board held on February 9, 2006 and April 27, 2006; and

WHEREAS the Applicant was represented by Stephen A. Geffner, Esq; and

WHEREAS the Applicant presented the testimony of Charles Stewart of GC Stewart Associates, Inc., a civil engineer, professional land surveyor and professional planner, who was recognized by the Board in all three areas of expertise, Mr. Stewart testified about the plans on file with the Board, summarized that the Applicant plans a expansion of four existing buildings, that as a planner, the proposed plans are typical for a country club of this nature and can be built without any detrimental effect on any surrounding properties or the West Orange zone plan, that the plans would have no impact on surrounding residential properties, that the closet expanded structure is more that 400 feet from Ferris Drive, the closest residential location to the Applicant, that the benefits of the improvements of existing structure outweighs the benefits that the improvements will have upon the community, that any increase in impervious coverage will be a minuscule percentage; and

WHEREAS the Applicant presented the testimony of John Heyrich, licensed professional architect, who was recognized by the Board as such, who testified about the proposed building expansions and introduced several of the below listed exhibits; and;

WHEREAS the Applicant presented the testimony of Mark Shan, the general manager of the Applicant's operations for the last eleven years, who testified about the Applicant's practice of housing both some of its full time staff and its summer staff in a dormitory-type building on site, that the proposed expansion of the dormitory is for the purpose of being able to offer more housing to its summer staff, who in the last few years have had to be housed off-site, he also testified about the reasons for the planned expansion to the grill room and pool house to both increase amenities to the club members, and to improve night-time security at the pool by adding living space above the pool house for on-site visibility of the pool area; and

WHEREAS the Board questioned the Applicant's witnesses, particularly about the intentions for expansion of the dormitory and its compliance with minimal square footage requirements; and

WHEREAS the Applicant also offered the testimony of Sam M. Gershwin, Board of Governors member of the Applicant for the last six years, who testified about revised plans for the dormitory space that addressed the needs of the applicant for more housing and the minimum square footage requirements for living space, as well as a survey, conducted at the request of the Board of other country clubs in the area and whether they offer housing either year round

or seasonal for their employees, he further testified about the Applicant staffing plans, both year round and seasonal; and

WHEREAS the Applicant again offered the testimony of Mr. Heyrich and Mr. Stewart who testified about the revised plans that changed the configuration of the dormitory space, and

WHEREAS the applicant presented the following Exhibits:

- A-1 Photo Board
- A-2 Artists' Rendering
- A-3 Letter dated 2/9/06
- A-4 Grill Room Expansion
- A-5 Grill Room Elevation
- A-6 Pool House, 1st floor, existing
- A-7 Pool house, upper level proposed addition
- A-8 Dormitory Plan
- A-9 Dormitory Elevation
- A-10 Revised Dormitory Plan
- A-11 2ND Story Plan, Dormitory
- A-12 Survey of surrounding country clubs regarding provision of housing for staff
- A-13 Sheet 3 of 3, exterior elevation; and

WHEREAS the Board considered the report of Susan Borg, Township Planner dated January 18, 2006; and

WHEREAS members of the Board questioned the witnesses and the Applicant's attorney; and

WHEREAS there was no public comment or public questions; and

WHEREAS the Board having made the following specific findings and conclusions:

- A. The Applicant is the owner of the property located at 750 Eagle Rock Avenue, West Orange, New Jersey 07052, being Block 174 and 177, Lots 1 and 29 on the Tax Map of the Township of West Orange, and located in the R-2 zone.
- B. The Applicant applied for two "D" variances (1) expansion of a non-conforming use and (2) for multiple uses as a single site. However the Board finds that the dormitory is an accessory to the golf club use, and thus no "D" variance is required for multiple uses.
- C. The granting of the variance will not impair the general purposes of the Zoning Plan, Master Plan, or Zoning Ordinances of West Orange.
- D. The purposes of the Municipal Land Use Law will be advanced by the granting of this variance application.

A motion to grant the Applicant's request for one "D" variances and the finding that the dormitory is an accessory

use as set forth above was made by Bruce Buechler and seconded by Mark Brunelle and voted upon as follows:

	Ayes	Nays	Abstentions
Brunelle	Aye		
Bullock	Aye		
Steinhart	Aye		
Sussman	Aye		
Buechler	Aye		

NOW THEREFORE, be it resolved by that the Zoning Board of Adjustment of the Township of West Orange, based upon the Findings of Fact and Conclusions aforesaid, and upon the laws established in the State of New Jersey hereby grants the Applicant Cresmont Country Club the following variance:

- (1) a "D" variance for expansion of a non-conforming use;

BE IT FURTHER RESOLVED that the grant of said variances shall be conditioned upon the Applicant's full and complete satisfaction of the following conditions:

1. The rooms of the dormitory will not be rented and will only be used for living quarters by employees of the club.
2. All windows in the dormitory will be operable to comply any building or fire safety codes for buildings to be inhabited for residential use.

3. The second floor of the dormitory will only be used for occupancy during the months of April, May, June, July, August and September. It will remain unoccupied in all other months.
4. The siding and exterior surface of the expanded clubhouse and dormitory areas will match the existing clubhouse and dormitory.
5. Within ninety (90) days of the completion of the dormitory addition, all dirt piles on the site will be removed.
6. Landscaping around all expanded areas shall be installed to the satisfaction of the Township Planner.
7. The Applicant acknowledges that its planned improvements implicate a COAH obligation, the exact extent of which the Applicant is working with the Township and the New Jersey Department of Community Affairs to arrive at an agreement. No building permits will issue to Applicant until the exact amount of its COAH obligation is established and consented to by the Applicant. If no agreement is reached, no building permits will be issued.

Moved by: Mr. Steinhart

Seconded by: Mr. Sussman

Those in Favor: 4
Those Opposed: 0
Abstention: 0

I hereby certify that the foregoing Resolution was adopted by the Zoning Board of Adjustment of the Township of West Orange at its meeting of May 25, 2006 and that said Resolution memorializes the action of the Zoning Board taken as its meeting held on May 18, 2006 granting the application by a vote 5 in favor, 0 against and 0 abstentions.

May 25, 2006

Lori P. Feigenbaum

Lori P. Feigenbaum
Board Secretary