

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
May 1, 2024 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on May 1, 2024 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, June 5, 2024** at **7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. Ken Alper; Mr. John Cardoza; Mr. William Wilkes; Mr. Lee Klein; Mayor Susan McCartney; Mr. Peter Smeraldo; Ms. Lori Kapferer

ABSENT: Mr. Christopher Morgan, Sr.; Council president Bill Rutherford;

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Gerry Haizel, Consulting Town Planner;
Mr. John Hess, Board Engineer;
Zayibeth Carballo, Town Engineer
Jamilet Baquerizo Vite, Planning Board Secretary

MINUTES & RESOLUTIONS

4/17/2024 Draft Minutes

Motion: **Chairman Bagoff**

Second: **Mr. Guarino**

Alper:	Y	Morgan:	----
Bagoff:	Y	Rutherford:	----
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	Y		
Klein:	Y		
Mayor McCartney:	Y		

PB-24-07 Essex County Country Club

Motion: Chairman Bagoff

Second: Mr. Smeraldo

Alper:	Y	Morgan:	----
Bagoff:	Y	Rutherford:	----
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	Y		
Klein:	Y		
Mayor McCartney:	----		

SWEARING IN

- The Township Professional(s) sworn in.

APPLICATIONS

- **PB-23-12 L & B Realty Group LLC**

Block: 62 Lot: 1

106 Ashland Avenue

The applicant is proposing to renovate and replace existing industrial buildings and undertake related site improvements on a developed property in the Industrial zone. Certain “c” or bulk variances are required to permit the proposal.

PRESENTATION

- The attorney, Richard Schkolnick, entered on the record on behalf of the applicant.
- The application is for site plan approval with minor variances.
- There are three existing building at the property which will be refer as Building A, B & C.

- The site plan application is to raise most of existing building, reconstruct it and slightly expand that building, which is going to add about 1355 square feet of warehouse space.
- They are seeking a deviation from the side yard setback, there's a 10-foot requirement. The existing building is just off the property line; they are proposing to make the building a little taller but still meet the height requirement of the I zone, but because there is a deviation on the side yard setback, a variance is required.
- The addition of the 1355 square feet they will require two new parking spaces.
- There's a very informal parking situation with about 15 spaces; they are going to clean that up and clarify the parking spaces. They are going to go from 15 to 25 parking spaces, so they're adding ten new spaces. Eight are going to be inside of the building and 17 spaces outside.
- They will also be eliminating about 5500 square feet of interior office space and turning that into warehouse space, which will lower the parking requirements.
- The property is located in the I zone where warehousing and storage are permitted.
- They will be adding some charging stations and landscaping.
- The civil engineer and planner Mr. Anthony Marucci entered on the record, he was sworn under oath and his credential were accepted by the board. He testified to the following:
- The plans were revised on February 23, 2024 based on the technical review from January.
- The front building will keep the front office and the rest of the building is going to be removed and replaced with the new building.
- There is a storm sewer culvert from 1935, which is about 8 foot wide by three feet deep. It carries drainage probably from Main Street all through Ashland Ave.
- The front portion of the building will remain and there's a reason for that, as this part of the building contains the utilities that service the building and especially the electric.
- The proposed building has a setback in the front side yard of 1.3 feet and at the rear of the building it's 2.1 feet.
- The culvert extends along property line such that, the side yard setback can not be improved and must remain at the same footprint line.
- They will add two parking spaces inside Building C.
- The applicant, Mr. Frank Ench, has been a tenant of this property since 2015 and he was able to purchase the property and make these improvements.
- Building C will have the offices which will be accessed by the garage door.
- Building B is a two-story; the first floor is actually a three-car garage and the 2nd floor is a storage warehouse building.
- Building A has three overhead doors which will allow for three (3) indoor parking spaces.
- They will add a double EV station and an ADA parking space.
- There is no increase in stormwater runoff. There's an existing catch basin towards the rear that ties into the culvert and with this new building they are adding pipes and catch basins, so that the water is captured from the roof.
- They were asked to slightly move the fence back a little and provide some landscaping and also to remove signage that was actually mounted right on the fence; that's all being removed and they are putting some landscaping in the front.
- After the technical review, they have added pedestrian warning and mirrors for safety reasons.
- The warehouse hours of operation are from 7:30am to 4:30pm.
- There will be a container in the back of building C for trash.
- The applicant Mr. Ench stores his materials in the building and any waste will be placed

in the container and picked up by a company. Whatever little household refuse there is will be put out at the curb to be picked up by the town.

- In the existing condition they would need 50 parking spaces, but in the proposed condition they only need 35 parking spaces. Applicant testified they are proposing 25 spaces, so they do have a deficit of 10 spaces.
- The applicant will comply with all Mr. Hess's comments from the review memo dated March 25, 2024.
- There will be no change in emergency access.
- Recorded easement from 1935 has been provided to the engineer.
- They will not have to do a stormwater analysis and report because they will not be increasing impervious coverage, but they will be making the drainage system better.
- Mr. Marucci also provided the planning testimony as follows:
- The requested variances for minimum side yard, maximum lot coverage and minimum off-street parking spaces satisfy the c (1) criteria as they are pre-existing conditions which are hardships caused by the property. As to the lot coverage, the improvements to the landscaping and curbing will improve the conditions on site.
- In regards to the variances being requested, the benefit of replacing an old deteriorated building with a new building outweigh any negatives and satisfies the c (2) criteria because the project, as a whole, advance the purpose of the MLUL as it is improving the general welfare, adding parking and upgrading safety systems. It will also be an aesthetic improvement.
- The benefits of the project outweigh any negatives.
- The applicant needs 35 parking spaces, but they are proposing only 25 spaces, in which he only needs 14 spaces.
- In regards to the garages, the trucks are parked in them during the evening but during the day, when the trucks go out, the employees can park in the garage.
- This is a complete upgrade of the property with the new building, the parking and the landscaping. In his opinion, there's no substantial impairment to the intent and purpose of the zone plan or the zoning ordinance and it is a permitted use. The adjacent uses are the ones that are not conforming with respect to the municipal land use law, but improving this property improves the general welfare and improves safety for the employees that are going to be in the office.

BOARD QUESTIONS

- Mr. Guarino asked if there are any additional emergency exits. Mr. Marucci replied yes; he said that they can go through the warehouse since all the buildings are connected it.
- Mr. Guarino asked if the building that will be demolished has been inspected for any asbestos materials. Mr. Marucci referred the question to Mr. Ench
- Mr. Guarino asked if there are any brownfield issues. Mr. Marucci deferred to Mr. Ench.
- Mayor McCartney asked if all of the ingress and egress are going to be on Ashland Ave. and if there any accessibility to White Street or Park Ave. from this site. Mr. Marucci said that there's no access for vehicles to go out the White St.
- Mr. Alper asked if the EV stalls are going to be active. Mr. Marucci said that they will be available.
- Mr. Alper asked if they will use a green roof to lower the impervious coverage and decrease the heat island effect. Mr. Marucci deferred the question to Mr. Ench.
- Mr. Smeraldo asked if there is currently any fire suppression systems or fire alarm

systems in the building. Mr. Marucci referred the questions to Mr. Ench.

- Ms. Kapferer asked if they did any truck turning movements in the back for the trash trucks. Mr. Marucci said that there will be a container in the back and once it is full, it will be taken out by a roll off truck that will back up from the site.
- Ms. Kapferer asked what is the pipe size of then existing inlet that connects to the culvert. Mr. Marucci said that it is a 12-inch pipe.
- Ms. Kapferer asked what is the capacity of the culvert and has there been any flooding. Mr. Marucci said that one catch basin is not enough and that is why they are adding one more -.

PROFESSIONALS QUESTIONS

- Mr. Hess asked if the applicant will do a video to show the structural integrity of the existing storm culvert. Mr. Ench will provide a video.

NO PUBLIC QUESTIONS

PRESENTATION

- The architect Gregory J. Somjen entered on the record, he was sworn under oath and his credentials were accepted by the board. He testified to the following:
- The building department will require the appropriate fire related measures, whether that is sprinkler system or whether that is a fire alarm system within the building, in which they will be complying.

NO BOARD QUESTIONS

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

PRESENTATION

- The applicant Mr. Frank Ench entered on the record and he was sworn under oath. He testified to the following:
 - The hours of operation are from 7:30pm to 4:30pm.
 - The applicant stores the materials and trucks for his roofing business.
 - The applicant is not aware of any asbestos materials in the building, but will comply with any require testing in order to obtain building permits.
 - They are extending the building out because he has two bigger trucks. A truck, crane and a flatbed which he would like to load and keep inside the building at night to keep out of the weather.
 - The applicant will install a white TPO roof and is inquiring information about solar panels to make the building basically self-sufficient.

NO BOARD QUESTIONS

- Chairman Bagoff asked if he agrees to have an AED put it into the building where his employees are going to be. Mr. Ench said he will be getting two, one for the new building and building C.

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

NO PUBLIC COMMENTS

Conditions:

- See resolution for conditions.

Motion: Chairman Bagoff

Second: Mr. Guarino

Alper:	Y	Morgan:	----
Bagoff:	Y	Rutherford:	----
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	Y		
Klein:	Y		
Mayor McCartney:	Y		

- **PB 24-03/Crystal Eagle, LLC**

Block: 111; Lot: 108; Zone: B-2

424 Eagle Rock Avenue

The applicant is proposing to modify the layout of site improvements and undertake other modifications on a developed property in the B-2 zone. No variances are required to permit the proposal.

PRESENTATION

- The attorney, Craig Gianetti, on behalf of the applicant entered on the record.
- The property is located in B2 zone; this is an application for minor site plan approval.
- They will be modifying the parking layout to make it more efficient and appropriate.
- They will be increasing the number of parking spaces from 149 spaces to a total of 171 spaces.
- There are currently no tenants in the building.
- There are some existing nonconformities with respect to lot coverage.
- There are parking spots within the front yard and that's still being proposed.
- The engineer, Paul Couvrette entered on the records, he was sworn under oath and his credentials were accepted by the board. He testified to the following:
- He referred to sheet EC which shows the existing survey. He stated that the building is approximately 25,000 square feet which is the former bowling alley. Currently there are 149 parking spaces in the parking lot; there is circulation in the parking lot around the building and two-way entrance and currently there is no defined loading area or dock for this particular use as well and there is also no existing curb. The property is lit by a series of PSEG light poles on the western side of the property.
- There is some curbing that's proposed on the east side of the stem; they are also adding a stop bar and a stop sign
- The angled parking in that section of the of the site has been changed to 90° parking.

- Three of the parking spaces are now landscape islands; one on the eastern side of the stem was converted to break up the long line of parking spaces and have no more than 20 in a row.
- They will create 170 parking spaces; this is accomplished mostly by restriping the existing parking lot and providing curbing in several areas.
- They are also proposing two dumpster areas at each end of the site.
- They are proposing 2 EV make ready parking spaces.
- Six handicap spaces are being added and they are split in anticipation of perhaps the building being divided by North and South in order to provide for a couple of tenants.
- The site plan proposed will in fact reduce the amount of impervious cover on the site.
- The lighting plan indicates that they are providing at least half of a foot candle of lighting intensity everywhere on the site. This is achieved by adding two new light poles and upgrading one pole on the southern and eastern side of the site. They are also upgrading 4 light poles on the west side.
- They will use indigenous species in the landscaping plans.
- A pumper fire truck will be able to circulate around the site in a counterclockwise direction and back out with no issues. Also, a single unit box truck can also make the same route.
- The parking was designed effectively for the highest parking requirement of a permitted use in the zone which was a fitness center.
- The existing pylon sign will remain and be resurfaced.
- The applicant will comply with all the comments from Mr. Hess's report from February 20, 2024.
- In reference to Item #3 of adding a curb to the west parking lot, he explained that the existing drainage flows off the paved area and because they are not changing the grade of the lot it is advantageous to allow the run off to continue (which would be impeded by a curb.)
- As to design comment #11 (Hess report) pertaining to wheel stops at the rear and east side, the applicant explained that snow plowing would be very difficult.
- As to design comment #14 (Hess report), Applicant believes that most of the potential tenants to the site would not require a loading dock; the Applicant agreed to a condition to return to the Board for site plan review should a proposed tenant need a loading space.
- Comment #15 no loading space is being proposed as part of this application.
- As to design comment #8, regarding feasibility of providing a sidewalk along the stem from Eagle Rock Avenue to the building, the Applicant provided testimony that the stem is only 60 feet wide which just allows for angle parking spaces and no additional space for a sidewalk.

BOARD QUESTIONS

- Mr. Guarino asked if the engineer reviewed pedestrian accessibility as required by the Master Plan. Mr. Couvrette said that he did not.
- Mr. Guarino asked how would you monitor to make sure that no other business is using your property. Mr. Couvrette said now it's being used because of the fact that it's available, once it's in operation they expect that won't be as much of an issue because it the building will be occupied.
- Mr. Guarino asked if they are proposing charging stations. Mr. Couvrette said they are proposing two.
- Mayor McCartney asked is there access directly from this parking lot to the path around

Crystal Lake. Mr. Couvrette think there is no access design or proposed other than the fact that there's no curbing.

- Mr. Alpert asked if it is possible to expand the size of the planting areas in the parking lot. Mr. Couvrette said that landscaped areas in the parking lot was configured to get those 170 spaces.
- Mr. Klein asked why they are not proposing loading spaces. Mr. Couvrette said that certain uses don't require a loading space in the ordinance that's why it's not being proposed.
- Mr. Cardoza asked is there potential to do any type of signage or striping to slow pedestrians. Mr. Couvrette said that they will comply.
- Ms. Kapferer asked if the curb that's being proposed would kind of direct all of the runoff from the neighboring property toward the street. Mr. Couvrette answered in the affirmative.
- Chairman Bagoff asked if they can add traffic calming devices on the stand. Mr. Couvrette said they will add 2 humps on the road to prevent speeding.
- Chairman Bagoff asked if they would be able to put up some type of greenery evergreens that would prevent people from walking through as opposed to a fence. Mr. Couvrette said they will add more trees at the back of the property.

PROFESSIONALS QUESTIONS

- Mr. Haizel asked what is the required maximum lot coverage. Mr. Couvrette said it is 50%.

NOPUBLIC QUESTIONS

PRESENTATION

- The architect, Mr. Matthew Jarmel, entered on the record, he was sworn under oath and his credentials were accepted by the board. He testified to the following:
- He presented drawing SD 101 which depicts the floor plan of the building and some proposed changes.
- The building is a vacant bowling alley. The building has a flat roof. The current entry to the building is just off center.
- It's not handicapped accessible currently.
- They have depicted the building showing potentially 2 tenants that will have two separate entries.
- They are creating new glass storefronts on the edges.
- They are proposing an ADA compliant ramp.
- Drawing SD102, shows the proposed elevations.
- They are proposing to construct a new parapet that matches the existing on the right side or the southwestern façade which would probably be a metal panel system and it would hide any mechanical equipment presumably when the building is renovated.
- It's going to receive new HVAC equipment. The intent is to modernize that equipment making it energy efficient and meet or exceed current energy codes.
- If they decide to use solar panels it would require major structural modification.
- The roof would need to be structurally reinforced.
- There's an existing bowling sign that they are proposing to keep and maintain.
- There's an existing pylon sign up on Eagle Rock Avenue; they are proposing to reface the sign and make it available for tenants that will be moving into the building it's

approximately 59 square feet.

- The south elevation would be painted and refaced.
- It is in the architect opinion that based upon of the enhancements to the exterior of the building materials and colors, it will promote the desirable visual environment.

BOARD QUESTIONS

- Mr. Guarino asked how do you propose to illuminate the signage on Eagle Rock Ave. Mr. Jarmel said the sign would be compliant with the ordinance.
- Mr. Smeraldo asked what is the Fire Protection that's afforded in that building. Mr. Jarmel said currently the building has a sprinkler system and it would remain and presumably be modernized.

NO PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

- Mr. Darren Tobia at 24 Columbia Street asked why they cannot install a pedestrian path. The engineer, Mr. Couvrette, said that they will put up signage and striping for traffic calming measures because there is no room for a sidewalk.

PUBLIC COMMENTS

- Mr. Darren Tobia at 24 Columbia Street said the lack of pedestrian access is really ill conceived because the danger to pedestrians is not always the speed of a car, it is the visibility of a car and nowadays there are larger cars with larger hoods, which makes it even more difficult to see pedestrians when they are in front of the vehicle.

Conditions:

- See resolution for conditions.

PUBLIC COMMENT

Motion: Chairman Bagoff

Second: Mr. Cardoza

Alper:	Y	Morgan:	----
Bagoff:	Y	Rutherford:	----
Cardoza (Alt.2):	Y	Smeraldo:	Y
Guarino:	Y	Wilkes:	Y
Kapferer:	Y		
Klein:	Y		
Mayor McCartney:	Y		

Meeting adjourned at 10:20PM.

ADOPTED:

Jamilet Baquerizo Vite
Planning Board Secretary