

PLANNING BOARD RESOLUTION CLASSIFYING AS A MINOR SUBDIVISION
AND APPROVING AS A MINOR SUBDIVISION THE JOINT APPLICATION
OF THE ESSEX COUNTY COUNTRY CLUB AND THE ESSEX COUNTY PARK
COMMISSION FOR PROPERTY LOCATED AT 300 MT. PLEASANT AVENUE,
BLOCK 156, BLOCK 157-A. LOT 1, 11

WHEREAS, application has been made by Essex County Country Club and the Essex County Park Commission, for the subdivision of certain lands and premises located in the Town of West Orange owned by Essex County Country Club, all in accordance with a certain subdivision map prepared by Stewart Associates, Inc., dated August 10, 1978, and in accordance with an application submitted by Essex County Country Club and Essex County Park Commission; and

WHEREAS, the Planning Board finds that the purpose of this subdivision is to allow the Essex County Park Commission to acquire the "West Course" of the golf club from the Essex County Country Club; and

WHEREAS, the Planning Board has determined that said course will be operated for the benefit of the general public; and

WHEREAS, the matter has been classified as a minor subdivision; and

WHEREAS, the Planning Board has considered the comments of the Town Engineer relative to the proposed subdivision;

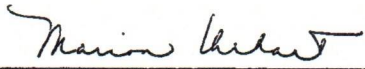
NOW, THEREFORE, BE IT RESOLVED that the subdivision application submitted jointly by Essex County Country Club and Essex County Park Commission, together with the subdivision plat heretofore referred to, be approved as a minor subdivision on the following conditions:

1. The metes and bounds description must be continued for the easterly lot as well as the westerly lot;
2. All of the existing lots in Block 157A are to be combined with the lots in Block 156. It is recommended that the Tax Assessor remove the block line and delete the designation for Block 157A; and

3. Certain sections of Old Indian Road, an unimproved street, border this property. The applicant ~~has been~~ notified that he will be required to either construct or contribute the cost for the construction of Old Indian Road adjacent to his property.

4. Approval is not to be considered one way or another the feeling of the Town of West Orange as to the contract between the parties.

The foregoing Resolution was duly adopted at a regular meeting of the Planning Board of the Town of West Orange on September 6, 1978.



Marion Ehrhart - Secretary

Sept. 6, 1978

PLANNING BOARD RESOLUTION APPROVING SITE PLAN
APPLICATION SUBMITTED BY ESSEX COUNTY COUNTRY
CLUB, 350 MT. PLEASANT AVENUE, BLOCK 156, LOT 1

WHEREAS, the Planning Board of the Town of West Orange, at its public meetings of November 7 and November 28, 1979, considered the site plan application of Essex County Country Club for site plan approval for proposed additions to the club house and pro shop; and

WHEREAS, the Planning Board finds that said application meets with all the requirements of the Zoning Ordinance of the Town of West Orange and other pertinent Ordinances of the municipality;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Town of West Orange, that it does hereby approve said site plan submitted by Essex County Country Club, for property located at 350 Mt. Pleasant Avenue, Block 156, Lot 1, subject, however, to the following conditions:

1. Fire Department approval of specific items in their letter dated November 26, 1979, pertaining to fire lane, water main, proposed hydrant, existing hydrant, siamese connection and sprinklers.
2. Engineering Dept. approval pertaining to new proposed water consuming facilities outlined in Paragraph 3 of their letter dated November 28, 1979.



Marion Ehrhart - Secretary



Township Of West Orange

66 MAIN STREET, WEST ORANGE, NEW JERSEY 07052

SAMUEL A. SPINA
Mayor

DEPARTMENT OF PLANNING AND DEVELOPMENT

SUSAN BORG P.P., A.I.A.
Director of Planning
and Development

TEL: (201) 325-4110
FAX: (201) 325-6359

April 5, 1994

Joseph Vena, Esq.
155 Prospect Avenue
West Orange, NJ 07052

RE: **PB-93-35**
Essex County Country Club
350 Mt. Pleasant Avenue
Amended Site Plan

Dear Mr. Vena:

Enclosed please find a copy of the resolution that was adopted at the March 23, 1994 West Orange Planning Board meeting for the above referenced property.

If you have any questions, please contact me.

Sincerely,

Migdalia Wagner
Planning Board Secretary

Enclosure

cc: Director Leonard Lepore, P.E.
Thomas Biondi, Construction Official
Kim Ragoni, Zoning Officer
Max Manshel, Esq.

DUPLICATE

PLANNING BOARD RESOLUTION
CONDITIONALLY APPROVING THE SITE PLAN APPLICATION
BY ESSEX COUNTY COUNTRY CLUB
LOCATED AT 350 MT. PLEASANT AVENUE
BEING BLOCK 156, LOT 1
ZONE R-2

WHEREAS, the Planning Board of the Township of West Orange, at its regular meeting held on February 2, 1994, considered the application for site plan approval for a maintenance building as an accessory building, which is permitted in the R-2 District, and waivers from the Site Plan Ordinance for an environmental impact statement, on-site detention of water, parking and loading space requirements, and lighting, which application was submitted by Essex County Country Club, through its attorney, Joseph A. Vena, Esq.; and

WHEREAS, the Planning Board considered the presentation of Joseph A. Vena, Esq., attorney for the applicant, and the testimony of Anthony Marucci, the applicant's engineer, and the testimony of Richard McHugh, the President of the Essex County Country Club; and

WHEREAS, the general public having been given an opportunity to be heard, the Planning Board made the following findings of fact:

1. The purpose of the application is to replace an existing maintenance structure that is in severe disrepair.

2. There will be no utilities other than electric utilized in the structure.

3. There are no variances necessary and there is no impact on adjacent properties.

4. The waivers that have been requested will not substantially impair the intent and purposes of the Master Plan and Zoning Ordinance of the Township of West Orange and will not be a substantial detriment to the public good.

5. The application complies with the West Orange Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the waivers requested from the Site Plan Ordinance for an environmental impact statement, on-site detention of water, parking and loading space requirements and lighting, shall be and are hereby granted, and

BE IT FURTHER RESOLVED that the application for site plan approval for a maintenance building on property located at 350 Mt. Pleasant Avenue, Block 156, Lot 1, West Orange, New Jersey, shall be and is hereby approved, subject to the following conditions:

1. The applicant shall plant 18 white pine trees on 8 to 10 foot centers, 6 to 8 feet high, to screen the northeast corner of the structure from Mt. Pleasant Avenue.

2. The applicant shall provide the location of the

monitoring wells and underground storage tank to the Municipal Engineer and shall accomodate monitoring well MW-1 within the floor slab by retrofitting the monitoring well with a standard flush-mount well manhole similar to PEMCO Model 103. Monitoring wells MW-3 and MW-4, which are outside the limits of the footing construction, shall be clearly identified and protected during construction to prevent accidental contact and damage.

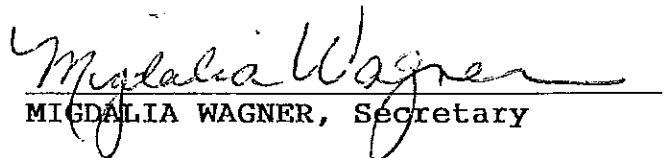
3. The applicant has agreed to and shall commence removal of the existing barbed wire on or before June 1, 1994.

4. All real property taxes for the site are to be paid prior to the issuance of any permits.

5. The applicant shall provide the Municipal Engineer with a letter from Dan Raviv Associates, Inc., the engineer who prepared the Remedial Action Work Plan, that the proposed development will not interfere with the Remedial Action Work Plan.

The foregoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.

DATED: March 2, 1994
23,


MIGDALIA WAGNER, Secretary



Township Of West Orange

66 MAIN STREET, WEST ORANGE, NEW JERSEY 07052

DEPARTMENT OF PLANNING AND DEVELOPMENT

SAMUEL A. SPINA
Mayor

SUSAN BORG A.I.A.
Planning Director

TEL: (201)325-4110
FAX: (201)325-6359

February 7, 1997

Joseph Vena, Esq.
155 Prospect Avenue
West Orange, NJ 07052

RE: PB-96-27 / Essex County Country Club
350 Mt. Pleasant Avenue
Block 156, Lot 1, Zone: R-2
Amended Site Plan

Dear Mr. Vena:

Enclosed please find a copy of the resolution that was adopted at the February 5, 1997 West Orange Planning Board meeting. Please submit eight (8) sets of revised plans for final signatures. Signed site plans are required prior to the issuance of building permits.

If you have any questions, please let me know.

Yours truly,

Migdalia Wagner
Planning Board Secretary

Enclosure

cc: Thomas Biondi, Construction Official
Director Leonard Lepore, Municipal Engineer
Kim Ragoni, Zoning Officer
Max Manshel, Esq.

DUPLICATE

**Signed Site Plans Required
Prior to the Issuance of
Building Permits**

**PB-96-27
PLANNING BOARD RESOLUTION
APPROVING THE SITE PLAN AMENDMENT APPLICATION
BY THE ESSEX COUNTY COUNTRY CLUB
LOCATED AT 350 MT. PLEASANT AVENUE, BLOCK 156, LOT 1
ZONE R-2**

WHEREAS, the Planning Board of the Township for West Orange, at its regular meeting held on February 5, 1997, considered the application for site plan amendment approval to construct a building to house a pump station as an accessory building, which is permitted in the R-2 District, and waivers from the Zoning Ordinance for an environmental impact statement, which application was submitted by the Essex County Country Club, through its attorney, Joseph A. Vena, Esq.; and

WHEREAS, the Planning Board considered the presentation of Joseph A. Vena, Esq., attorney for the Applicant, and the testimony of Anthony Marucci, the Applicant's engineer; and

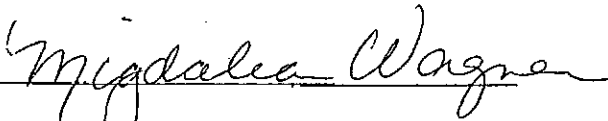
WHEREAS, the general public having been given an opportunity to be heard, the Planning Board made the following findings of fact:

1. The purpose of the application is to replace an existing pump station that is in severe disrepair.
2. There will be no utilities other than electric utilized in the structure.
3. There are no variances necessary and there is no impact on adjacent properties.
4. The waivers that have been requested will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinance of the Township of West Orange and will not be a substantial detriment to the public good.
5. The application complies with the West Orange Zoning Ordinance.
6. Notice was published on January 16, 1997, in the West Orange Chronicle, and notice was mailed by certified mail; return receipt requested, on January 29, 1997, to all persons on the list furnished by the West Orange Tax Assessor.

NOW, THEREFORE, BE IT RESOLVED that the waivers requested from the Zoning Ordinance for an environmental impact statement, on-site detention of water, parking and loading space requirements and lighting, shall be and are hereby granted, and

BE IT FURTHER RESOLVED that the application for site plan approval for a maintenance building on property located at 350 Mt. Pleasant Avenue, Block 156, Lot 1, West Orange, New Jersey shall be and is hereby approved.

The foregoing is a true copy of the Resolution adopted by the Planning Board of the Township of West Orange.


MIGDALIA WAGNER, Secretary

Dated: February 5, 1997

740v1

PB-00-19**ESSEX COUNTY COUNTRY CLUB****RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF WEST ORANGE**

Granting preliminary and final site plan approval to reconstruct the drive entrance to the Country Club, located at 350 Mt. Pleasant Avenue.

WHEREAS, the Planning Board of the Township of West Orange, at its regular meeting held on January 10, 2001, considered an application for site plan approval, without variances, for the Essex County Country Club, located at 350 Mt. Pleasant Avenue, West Orange, New Jersey also known as Lot 1, Block 156 on the official tax maps of the Township of West Orange, which property is located in an R-2 Zone, to reconstruct the drive entrance to said country club. The application was submitted by the Essex County Country Club (hereinafter "Applicant") through its attorney Joseph A. Vena, Esq.; and

WHEREAS, the Planning Board considered the presentation of Mr. Vena, attorney for the Applicant, and heard and considered the testimony of James Woods, P.E., the Applicant's engineer who prepared the site plan, dated August, 2000, which site plan was submitted into evidence; and

WHEREAS, the Applicant proposes to reconstruct the drive entrance to the country club, on the Mt. Pleasant Avenue entrance; and

WHEREAS, the Planning Board reviewed the comments and recommendations of Sgt. Thomas Montesion of the West Orange Police Department, as set forth in his correspondence dated July 26, 2000, wherein he indicated that there would be no adverse effect on traffic or parking as a result of this application; and

WHEREAS, the Planning Board reviewed the comments and recommendations of Susan Borg, Township Director of Planning, and Leonard Lepore, Municipal Engineer; and

WHEREAS a complete application has been filed and all fees required by the Ordinance have been paid and it otherwise appears that the jurisdiction of the Planning Board of the Township of West Orange has otherwise been properly invoked and exercised and the Board having conducted a vote on this application on January 10, 2001;

NOW THEREFORE, the Planning Board of the Township make the following findings of fact and conclusions of law with regard to the application:

1. The Applicant proposes certain improvements and reconstruction to the Mt. Pleasant Avenue entrance to the Essex County Country Club, which will improve the safety of the entrance as well as make the entrance more aesthetically pleasing.

2. The Applicant's proposal conforms to all municipal

ordinances and does not require any variances.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the application for preliminary and final site plan approval to reconstruct the entrance of the Essex County Country Club on Mt. Pleasant Avenue is granted, and

BE IT FINALLY RESOLVED that the preliminary and final site plan prepared by Keller & Kirkpatrick, Inc., James R. Woods, P.E., dated August, 2000 for 350 Mt. Pleasant Avenue, Lot 1, Block 156, Zone R-2 be and hereby is approved and is subject to the following conditions:

1. All landscaping shall be planted and maintained in a healthy and vigorous manner, all plants, shrubs and trees that die shall be replaced with plants of equal or better quality and shall be maintained in perpetuity in accordance with this approved plan and conditions.
2. All landscaping and signs shall be approved by the Township Director of Planning.
3. The Applicant shall execute, prior to the issuance of a Certificate of Occupancy, an Affidavit of Compliance certifying that they have fulfilled the conditions set forth herein to the satisfaction of the Township Planner and Engineer Department and Building Department. No Certificate of Occupancy shall be issued until receipt of an Executed Affidavit of Compliance approved and signed by the Zoning Official.
4. No building permit shall be issued unless taxes are

current.

5. The foregoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.

Elizabeth Visone
Acting Secretary, Elizabeth Visone

Dated: 02/15/01

ESSEX COUNTY COUNTRY CLUB

RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF WEST ORANGE

Granting amended site plan approval for elimination of curved walls at the new entrance drive as originally approved by Resolution PB-00-19; granting site plan approval for construction of a new storage building and a pesticide building; and granting a C-2 variance for the height of a new chain link fence at the County Club perimeter along Prospect Avenue and Mt. Pleasant Avenue.

WHEREAS, the Planning Board of the Township of West Orange, at a meeting held on October 2, 2002, considered the application for amended site plan approval for elimination of curved walls at the new entrance drive as originally approved by Resolution PB-00-19; for site plan approval for construction of a new storage building and a pesticide building; and to obtain a C-2 variance for the height of a new chain link fence at the County Club perimeter along Prospect Avenue and Mt. Pleasant Avenue on property located in an R-2 Zone, identified as Block 156, Lot 1, which was submitted by Essex County Country Club (the "Applicant") through its attorney, Joseph A. Vena, Esq., and

WHEREAS, the Planning Board considered the presentation of Joseph A. Vena, Esq., attorney for the Applicant; and heard and considered the testimony of Gordon Meth, of Keller & Kirkpatrick, Inc., the Applicant's engineer (licensed in New Jersey as an engineer and qualified in that capacity by the

Board) with respect to the elimination of the curved walls; and heard and considered the testimony of Anthony Marucci, the Applicant's engineer (licensed in New Jersey as an engineer and qualified in that capacity by the Board) with respect to the new storage building and a pesticide building; and heard and considered the testimony of Anthony Marucci, the Applicant's planner (licensed in New Jersey as a planner and qualified in that capacity by the Board) with respect to the C-2 variance for fence height; and considered the site plans for intersection improvements for the entrance prepared by Keller & Kirkpatrick, Inc. dated July 22, 2002 with respect to the elimination of the curved walls; and considered the site plans for the new storage building and a pesticide building prepared by Anthony Marucci, N.J.P.E., dated January 11, 2002 and revised September 20, 2002; and considered the plans for package building prepared by Richard B. Lukoff, N.J.P.E., dated November 16, 2001 and revised September 24, 2002; as well as questions and comments from Board members as shall appear in the Board's minutes for the meeting of October 2, 2002; and

WHEREAS, a complete application has been filed, all fees required by Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Planning Board have been

properly invoked and exercised; and the Board having conducted a vote on this application on October 2, 2002; and

WHEREAS, the Applicant has requested amended site plan approval for elimination of curved walls at the new entrance drive as originally approved by Resolution PB-00-19; preliminary and final site plan approval to construct a new one-story storage building and a pesticide building; and to obtain a C-2 variance for a six-foot high chain link fence at the perimeter along Prospect Avenue and Mt. Pleasant Avenue which has been constructed above the permitted height allowance;

NOW, THEREFORE, does the Planning Board of the Township of West Orange make the following findings of fact and conclusions of law with regard to this application:

1. This is an application for amended site plan approval for elimination of curved walls at the new entrance drive as originally approved by Resolution PB-00-19; preliminary and final site plan approval for construction of a new one-story storage building and a pesticide building; and for a C-2 variance for a six-foot high chain link fence which has been constructed and which is above the permitted height allowance.

2. The Board has reviewed the site plans that have been submitted to the Board as noted above, and has considered the testimony of the witnesses as noted above;

3. The Board has recommended and the Applicant has agreed to the following additional conditions of approval:

(i) Additional landscaping will be included at the new entrance drive, and along the chain link fence where necessary, which will be of year-round growth and winter survivability, and landscaping to screen the new one-story storage building and a pesticide building where space permits, said landscape plan to be submitted to and approved by the Planning Director;

(ii) Soil erosion and sediment control certification, if necessary, will be obtained from the H-E-P Soil Conservation District;

(iii) Construction of the pesticide building shall comply with all NJDEP and West Orange Fire Department and building code requirements, and shall be properly placarded;

(iv) All landscaping shall be planted in accordance with the approved landscape plan and shall be maintained in healthy and vigorous condition; all plants, shrubs, and

trees that die shall be replaced with landscape materials of equal or better quality;

(v) All findings of fact and conclusions of law set forth herein are deemed conditions that are binding on the Applicant;

(vi) Before a Certificate of Occupancy/Approval can be issued, the Applicant shall submit proof to the West Orange Director of Planning that all real estate taxes are paid and current; and

(vii) Before a Certificate of Occupancy/Approval can be issued, the Applicant shall execute and submit to the West Orange Director of Planning, an Affidavit of Compliance certifying that all conditions of approval agreed to by the Applicant and set forth herein have been fulfilled and satisfied.

NOW, THEREFORE, BE IT RESOLVED that the C-2 variance requested is granted in that the Applicant is permitted to retain its six-foot high chain link fence at the County Club perimeter along Prospect Avenue and Mt. Pleasant Avenue.

The Applicant's planner testified and the Board found that the C-2 variance could be granted because the purposes of the Municipal Land Use Law, specifically (i) promoting public safety and general welfare; (ii) providing adequate light, air, and

open space within the constraints of the existing site conditions; (iii) and promoting a desirable visual environment would be advanced; that the benefits of the variance would substantially outweigh any detriments and that there would be no detriment to the public good or neighborhood because similar height or taller fences exist on neighboring properties; and that granting the variance would not substantially impair the intent and purpose of the Zoning Ordinance because of the existing site conditions on the property.

NOW, THEREFORE, BE IT RESOLVED that this application for amended site plan approval for elimination of curved walls at the new entrance drive as originally approved by Resolution PB-00-19; preliminary and final site plan approval for construction of a new one-story storage building and a pesticide building; and for a C-2 variance for a six-foot high chain link fence which has been constructed and which is above the permitted height allowance is approved in accordance with the site plans, subject to the conditions set forth in this resolution.

The foregoing is a true copy of the resolution adopted by
the Planning Board of the Township of West Orange.

Elizabeth Visone

Elizabeth Visone, Board Secretary
Planning Board of the Township
of West Orange

Dated: 11/13/02

PB-03-18 (SRP)

ESSEX COUNTY COUNTRY CLUB
(SOIL REMOVAL PERMIT)

RESOLUTION OF THE PLANNING BOARD OF THE
TOWNSHIP OF WEST ORANGE

Granting soil removal permit to relocate soil within the property in order to improve storm water management.

WHEREAS, the Planning Board of the Township of West Orange, at a meeting held on December 3, 2003, considered the application for a soil removal permit to relocate soil within the property in order to improve storm water management on property located in the R-2 zone, identified as Block 156, Lot 1, which was submitted by Essex County Country Club (the "Applicant"), through its attorney, Joseph Vena, Esq.; and

WHEREAS, the Planning Board considered the presentation of Joseph Vena, Esq., attorney for the Applicant;

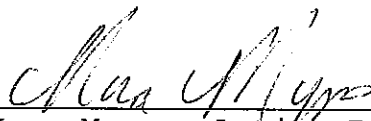
WHEREAS, a complete application has been filed, all fees required by Ordinance have been paid and it otherwise appears that the jurisdiction and powers of the Planning Board have been properly invoked and exercised; and the Board having conducted a vote on this application on December 3, 2003; and

WHEREAS, the Applicant has agreed to confer with the Township Engineer in the event the Applicant has to import fill.

NOW, THEREFORE, does the Planning Board of the Township of West Orange approve the application for a soil removal permit to

relocate soil within the property in order to improve storm water management.

The foregoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.



Nora Myers, Acting Board Secretary
Planning Board of the Township
of West Orange

Dated: 1/7/04

**RESOLUTION OF APPROVAL
PLANNING BOARD OF THE TOWNSHIP OF WEST ORANGE**

Decided: June 4, 2014
Memorialized: July 2, 2014

**ESSEX COUNTY COUNTRY CLUB
AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH "C" VARIANCE RELIEF
350 MT. PLEASANT AVENUE
BLOCK: 156; LOT: 1; ZONE: R-2
CASE # PB-14-04**

WHEREAS Essex County Country Club (the "Applicant") having an address at 350 Mt. Pleasant Avenue, West Orange, NJ 07052 also known as Block 156, Lot 27.02 on the tax map (the "Premises"); and

WHEREAS the Board having conducted a public hearing on this application on June 4, 2014 after notice; and

WHEREAS the Applicant having appeared by its attorney Joseph Vena, Esq. and by witnesses Christopher Field, Phillip Scott, PE, CME, Wayne Jacques, RA and Peter Steck, PP who offered testimony and introduced exhibits, and the Board having granted an opportunity for public comment;

IT IS HEREBY RESOLVED:

EVIDENCE SUBMITTED

1. Applicant submitted a Planning Board application package and plans consisting of Preliminary and Final Major Site Plans for Essex County Country Club prepared by Matrix New World Engineering dated March 17, 2014 (last revised May 21, 2014) (9 sheets), and a Stormwater

Management Report prepared by Matrix New World Engineering dated March 14, 2014. The Board received review letters from Paul Grygiel, AICP, PP, Acting Planning Director dated April 4, 2014 and from Eric Keller, PE, PP, LEED AP, Consulting Engineer dated April 3, 2014, April 29, 2014 and May 28, 2014.

2. Applicant introduced into evidence the following exhibits during the hearing:

Ex. A-1 – Colorized Aerial Photo of the Site

Ex. A-2 – Colorized Site Rendering

Ex. A-3 – Architectural Plans prepared by JGA Architectural Design last revised May 21, 2014

Ex. A-4 – Planning Report by Peter Steck, PP dated June 4, 2014

3. The application was introduced by Joseph Vena, Esq. who stated that Applicant seeks to amend the prior site plan approvals in order to upgrade and make additions to the clubhouse with minor modifications to the adjacent parking lot. He identified the Applicant as the oldest golf club in New Jersey with a long history of distinguished members including West Orange inventor Thomas Edison.
4. Christopher Field was sworn and identified as the President of the Club. He stated that he has been a member for many years and is very familiar with the number and types of functions that are held in the clubhouse. He testified that there are currently 285 golf members and that at their largest event they have approximately 320 people at most. The Club currently has 206 parking spaces but with restriping for

handicapped accessibility, the number would be reduced to 203.

There has not been parking issues at the Club even at large events partially because they employ valet parking and partially because there are an additional 40-45 spaces adjacent to the pool and another 40-45 spaces near the maintenance facility, which can be and are used for employee and/or other parking when needed. He added that the Club is known for the quality of its golf course but that the clubhouse, which was built in 1942, is in a deteriorated condition mostly due to deferred maintenance and modern design/use needs. The proposal includes updating the clubhouse, adding on to it, creating outdoor eating space, incorporating the pro shop into the clubhouse building all of which are necessary upgrades in order for the Club to remain competitive in today's market. He stated that the purpose of the upgrades and addition was not to increase membership which maximizes at 300, but rather to continue to attract and maintain its members.

5. Phillip Scott, PE, CME was sworn and qualified as an expert in engineering. He introduced Exhibits A-1 and A-2 and testified that the improvements are centered around the clubhouse and adjacent parking lot and the nearest property line is 1,000 ft. away which is the Francis Byrne golf course. Mt. Pleasant Avenue is 1,500 ft. away therefore the proposed work would have minimal if any impact on the neighboring landowners. The improvements include relocating the clubhouse main entrance, adding onto the building to increase the

kitchen size and add the pro shop and adding a new outdoor dining area. Four variances are needed: number of parking spaces, loading area in front yard, retaining wall height and number of trees in parking lot. Regarding the retaining wall, he stated that it was needed due to the grade at that side of the building and there was insufficient room to allow for two lower and conforming retaining walls. The wall would be 9' with a 4' railing on top for a total height of 13' where the ordinance allows 6'. As for the ordinance requirement for one tree every ten parking spaces he noted that the entire property is 176 acres and is largely open space with numerous trees and landscaping, and that the parking lot is not being changed just restriped to allow for handicapped spaces closer to the clubhouse.

6. Wayne Jacques was sworn and qualified as an expert in architecture. He testified that his firm has a specialty in country club designs. He introduced the architectural plans and spoke to the floor plans for each floor. The lower level floor plan would be added onto with the new space for the pro shop, storage areas, patio for outdoor dining and roof over existing patio. The main level floor plan would include an expanded kitchen, new handicapped bathrooms, offices, new main entrance with vestibule and coatroom, pavilion for outdoor dining and small expansion to the ballroom. The upper level floor plan would add a new Boardroom and staircase. The portico and awning over the

front entrance would be removed. All materials would match existing materials.

Responding to Board questions Mr. Jacques stated that the clubhouse is already sprinklered but that it would be upgraded. The Board also inquired about a light-colored roof to reduce heat-island effect, installation of a permanent generator and full handicapped accessibility.

7. Peter Steck, PP was recognized as an expert in planning. He distributed Ex. A-4, which was a 3-page handout consisting of a zoning map, aerial photo, photo of main entranceway, aerial photo with improvements superimposed, and photographs of the existing clubhouse. He noted that the club owns approximately 176 acres most of which is open space and is located in the R-2 zone. Unlike single-family residences, the clubhouse is surrounded by expansive open space, which separates it from the neighboring property owners, the closest of which is 1,000 feet away and is the Frances Byrne golf course. Applicant seeks variance relief for parking (699 spaces required, 203 proposed), loading space location (side or rear yard required, front yard proposed), wall height (6' allowed, 9' wall with 4' railing proposed) and trees in parking area (1 tree every 10 spaces required, none proposed). Mr. Steck opined that the variance relief could be granted upon c(1) grounds. The retaining wall height is a

function of the difference in grade and limited amount of space in which to adjust for it, the loading space location could be justified because the rear of the clubhouse faces the fairway so that the front yard is the best place to put a loading area, and the parking area is already existing and is not being changed except to restripe for putting handicapped spaces closer to the clubhouse so installing trees would be a hardship and adding spaces is unnecessary because the membership roles will not substantially increase. He stated that the variance relief could also be granted on c(2) grounds because the benefits of the proposed improvements outweigh the minor detriments and the proposal offers a better alternative to the zone plan.

8. The Board asked the Applicant to specifically address handicapped accessibility. Mr. Fields was recalled and stated that there are two new handicapped accessible bathrooms on the first floor. A discussion ensued about wheelchair access to each level of the clubhouse. Mr. Fields stated that the lower and main levels are wheelchair accessible and the upper floor is used only by women golfers as their locker room. The Applicant stipulated that it would abide by all ADA access requirements.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

9. The premises are located in the R-2 zone and golf courses are a permitted use in the zone. Surrounding uses include another golf course, single-family houses, office, and institutional uses.
10. The proposed renovations include upgrading and additions to the existing clubhouse. The additions will total 10,821 sq. ft. and include reconstruction of the banquet room on the first floor (2,387 sq ft.), major renovation of portions of the lower and main levels (5,430 sq. ft.) and minor renovation of a portion of the main level (1,982 sq. ft.). An existing canopy and portion of the patio on the south side of the building will be removed, the front entrance relocated, parking lot restriped, and new retaining wall installed.
11. The purpose of the improvements is to upgrade the clubhouse so that the golf course, which the Master Plan acknowledges are an asset to be preserved, can remain competitive and maintain membership. The President remarked that the golf course is considered superior but the clubhouse has deteriorated.
12. The testimony indicated that membership growth is not the goal because golf membership is capped by an unwritten rule that once it

reaches 300 any more members will make it difficult to find sufficient tee times.

13. The variance relief can be justified on both c(1) and c(2) grounds. The configuration of the club and the structures lawfully existing thereon can account for allowing the loading area to be in the front yard, the retaining wall height, and the lack of trees in the existing parking lot, which is not being changed except for restriping. There are c(2) grounds for all of the above plus support for the variance for number of parking spaces because the benefits will outweigh the detriments given the self-limiting nature of their use and relative isolation from neighboring uses. There are no discernible detriments to the public good and little or no impairment of the intent and purpose of the zone plan and ordinance. The variance relief is justified under MLUL Section 70 and is granted.

THE DECISION

WHEREAS, the Board, having reviewed the application for Amended Preliminary and Final Site Plan approval with 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 with variance and other relief enumerated herein.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Orange that the application for Amended Preliminary and Final Site Plan Approval with associated variance relief as set forth in the plans, reports, representations, testimony, stipulations and Exhibits offered by the Applicant is hereby granted with the following conditions:

1. The Applicant shall comply with all applicable Township of West Orange, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or regulatory 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 and stipulations 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.

6. Applicant shall comply with the requirements for affordable housing compliance, if any, which apply, including any amendments or revisions thereto, as the same may require the creation of low and/or moderate income housing or contribution therefor as a result of this approval.

7. Applicant shall:

- (i) give consideration to the Board's recommendation for a light colored roof;
- (ii) abide by all ADA requirements with regard to handicapped accessibility;
- (iii) give consideration to the Board's request for installation of a permanent generator; and
- (iv) provide an engineer's estimate of the work for inspection purposes.

8. 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.

Certified to be a true copy of the Resolution adopted on the 2nd day of July 2014.



Robin Miller, Secretary

Vote on the Action Taken by the Board-PB-14-04/Essex County Country Club

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
BAGOFF		*	*			
CARLUCCI			*			
EBEN (1 st alt.)			*			
GHEBREMICAEL						*
GURLAND			*			
KLEIN (2 nd alt.)						
LESTER						*
MCCARTNEY			*			
WESTON						*
WILKES						*
HELLER	*		*			

Vote on the Memorializing Resolution-PB-14-04/Essex County Country Club

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
BAGOFF	*		*			
CARLUCCI			*			
EBEN (1 st alt.)		*	*			
GHEBREMICAEL						
GURLAND			*			
KLEIN (2 nd alt.)						
LESTER						
MCCARTNEY			*			
WESTON						
WILKES						
HELLER						*

RESOLUTION

Township of West Orange

Planning Board

PB 23-09 Essex County Country Club/350 Mount Pleasant Avenue

Block: 156 Lot: 1; Zone: R-2

Decided on November 29, 2023

Memorialized on December 6, 2023

**Application for Amended Final Site Plan Approval with Bulk Variance and Soil Moving
Permit to Modify Existing Golf Course Facilities**

WHEREAS, Essex County Country Club (Hereinafter the “Applicant”) has made an application for Amended Final Site Plan Approval and a Soil Moving Permit to modify its existing golf course and facilities located at 350 Mount Pleasant Avenue, also known as Block: 156; 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 November 29, 2023; and

WHEREAS, the Applicant was represented by Lisa John-Basta, Esq. of the firm Chiesa, Shahinian & Giantomasi, P.C.; and

WHEREAS, the Applicant provided testimony of John Del Mauro, President of the Essex County Country Club, and Paul Calabrese, P.E. as a civil engineering expert; (the “Applicant’s Witnesses”); and

WHEREAS, the Board heard questions and comments from the public, along with testimony from Peter Steck, PP (the “Objector Planner”) who was presented as a witness in opposition to the application by Ms. Bennett, Esq., a property owner within 200 feet of the Property; and

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

ITEM	SIGNED BY	DATE/REVISION
Site Plan (18 sheets)	Paul T. Calabrese, P.E.	11/10/2023
Golf Course Plan (3 sheets)	Hanse Golf Course Design, Inc.	Undated
Soil Erosion & Sediment Control Plan (2 sheets)	Paul T. Calabrese, P.E.	9/6/2023
Property Survey	Charles P. Stewart, P.L.S.	10/27/1978
Cart barn architectural plans (2 sheets)	Frank J. Rawding, A.I.A.	7/25/2023
Comfort station architectural plans (2 sheets)	Frank J. Rawding, A.I.A.	7/25/2023
Storm Water Management Report	Paul T. Calabrese, P.E.	11/10/2023
Construction Detail Packet (11 sheets)	Hanse Golf Course Design	11/10/2023

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 and members of the public, including the testimony of Peter Steck, PP; and

WHEREAS, the Board also considered the testimony and filed review letters of its professionals at the hearing; and

WHEREAS, during the course of the hearing, the Applicant requested that the portion of the application pertaining to a proposed comfort station be continued to a future meeting of the Planning Board in light of comments made at the hearing, and that the balance of the application be decided by the Board. The balance of the application included improvements to an existing parking lot area near the clubhouse, the demolition of an existing cart barn/pro shop and replacement with a new cart barn, modification of the entrance driveway area, and soil movement required for upgrades to the existing golf course

WHEREAS, the consideration of the proposed comfort station was bifurcated and carried to the Planning Board's January 3, 2024 regular meeting for consideration and was not part of the Board's November 29, 2023 findings.

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 Amended Final Site Plan and a Soil Moving Permit to renovate the existing golf course and to construct new improvements associated with the golf course.
2. Physical changes proposed as part of the application include improvements to the existing parking area near the clubhouse along with the creation of additional parking spaces, widening a driveway entrance, demolishing an existing building housing golf carts and a pro shop and construction of a new golf cart barn.
3. The Property is located on the southwestern corner of the intersection of Mt. Pleasant Avenue and Prospect Avenue and has been developed with a golf course since 1887.

It was represented by the Applicant that it is the oldest golf course in New Jersey and one of the oldest in the country.

4. The area of the Property is 176.83 acres and it is occupied by a golf course, a clubhouse building, tennis courts, a pool house, two (2) swimming pools, a golf cart barn/pro shop, several maintenance building and a number of other accessory structures.
5. Surrounding the Property are single family residential properties, institutional, office and public buildings, and the Francis J. Byrne golf course, owned by Essex County.
6. The parking lot area near the clubhouse is proposed to be repaved and restriped. The lower portion of the parking area although paved is parked on but not presently striped. The Applicant proposes to stripe the area to create 33 additional parking spaces . The total number of parking spaces within the parking area will result in a total of 236 parking spaces whereas 658 spaces are required based on the gross floor area of the clubhouse measuring 29,589 square feet (one space required per 45 square feet of gross floor area). The proposal therefore resulted in an increase of 33 parking spaces above the existing conditions and a previous parking variance granted by the Board in 2014.
7. In 2014 the Applicant applied for site plan approval to among other things expand the clubhouse and in connection with that application, the Applicant requested, and the Board granted, a parking variance to permit 203 parking spaces within the subject parking area whereas 699 parking spaces were required at the time of the application. The details of the approval and the granting of the parking variance are set forth in Planning Board Resolution PB-14-04.
8. Additionally, the Applicant proposes new lighting fixtures within the parking area nearest to the clubhouse and along the site entrance driveway. Thirty-three (33) fixtures

are proposed in total, including 23 poles with a mounting height of 16 feet and 10 bollards that would be 3.5 feet in height.

9. The parking area near the clubhouse currently contains no parking islands. The Applicant proposes to create three (3) bio-retention areas to capture rainwater within the parking area, which will be planted and function as parking islands. The creation of the parking islands will reduce the impervious coverage of the parking area by approximately 3,000 square feet and will reduce the heat island effect.
10. Ten (10) parking spaces on the Property are also proposed to be EV ready.
11. The driveway entrance to the parking lot is proposed to be widened, with a new paver sidewalk proposed adjacent to the driveway. The widening of the driveway will allow for better sight lines when entering and exiting the parking area nearest to the clubhouse and will enhance safety.
12. The existing structure housing golf carts and the former pro shop is beyond its useful life and will be demolished. It will be replaced with a new golf cart storage building measuring 6,144 square feet in area and 14' 11 ³/₄" in height. The height of the building will be less than the 15 foot height limitation for accessory structures. The new building will have room for 72 golf carts, and will allow for the Applicant to store all of its golf carts within the building. This is an important feature for the Applicant in order to facilitate the conversion of all its golf carts to electric. The new golf cart barn will also house recycling filtration equipment to wash the golf carts.
13. The golf cart storage structure is proposed at 70 feet from the property line and complies with the ordinance setback regulations.

14. The Applicant also proposes a cart path from the driving range to the first tee which will provide safe passage to those golfers who previously had to cut across the parking lot area.
15. A soil erosion and sediment control plan was sent by the Applicant to the Hudson-Essex-Passaic Soil Conservation District for the soil moving activities proposed on the Property to upgrade the golf course. The Soil Conservation District determined that the plan met the standards for Soil Erosion and Sediment Control in accordance with the NJ Soil Erosion and Sediment Control Act and issued permits for: (a) the regrading of approximately 20.16 acres of the course on September 19, 2023; and (b) the site improvements which would disturb approximately 1.30 acres on October 4, 2023. Both of these approvals were filed with the Board.
16. The Applicant also stipulated that it would comply with the West Orange Ordinance requirements for a soil movement permit.
17. During the course of the hearing, a variance was identified in connection with the application from Code Section 25-12.1.o, which provides that in parking areas with 30 or more parking spaces, there shall be a minimum of one tree plus ground level planting for each 10 parking stalls, which may be provided within and/or on the perimeter of the parking area. The maximum length of a single row of parking spaces shall be 20 spaces, at which point a landscaped area with a minimum width of eight feet shall be provided. In this instance the Applicant proposes to restripe an existing parking area and to construct 33 additional parking spaces within parking without providing a parking island between every 20 spaces although the Applicant originally proposed three (3) new parking islands in the parking area and agreed to construct an additional parking

island at the request of the Board, which may result in the reduction of one or more parking spaces.

18. 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 are two exceptions: (1) The first exception is where an application 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.

19. 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.

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

1. The Applicant requires the following variance relief as well as an amendment to final site plan approval and soil moving permit for modifications to the existing golf course and its facilities:

SECTION/REQUIREMENT	PERMITTED/REQUIRED	PROPOSED
25-12.1.o. Landscape area within parking areas	In parking areas with 30 or more parking spaces, there shall be a minimum of one tree plus ground level planting for each 10 parking stalls, which may be provided within and/or on the perimeter of the parking area. The maximum length of a single row of parking spaces shall be 20 spaces, at which point a landscaped area with a minimum width of eight feet shall be provided	4

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(1) criteria, the Applicant must demonstrate that by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.
4. 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.

5. The Board finds that a parking variance is not needed. The Applicant was previously granted a variance for parking in 2014 to allow 203 parking spaces and this application improves on the parking deficit which has already been approved by prior variance. In this instance, the Applicant adequately demonstrated that its proposal to demolish the existing pro shop/golf cart barn and replace it with a new golf cart barn would not generate additional or new traffic to the golf course. Moreover, the Board recognizes that variance relief runs with the land, and that the Applicant proposed to increase the number of parking spaces above the parking variance relief that was granted in 2014. Therefore, the Board finds that there is no need to reestablish the parking variance that was already granted.
6. The Board finds that a technical variance is needed from Section 25-12.1.o. with respect to the number of landscape islands in the parking area, but notes that the existing parking area does not contain any landscape areas. In connection with the proposal the Applicant proposes a total of four (4) parking islands and seven trees along the paved parking area. The creation of the parking islands will also reduce the impervious coverage and function as bio-retention areas within the parking area to capture rainwater and will reduce the heat island effect creating an overall better condition within the area than exist today.
7. These tests specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” variance relief, under Sections c(1) and c(2). The Property and parking area in question are presently in existence and the Property is fully

developed. Therefore, and as a result of the structures lawfully existing thereon, compliance with the Code provisions would result in an undue hardship upon the Applicant. Additionally, the creation of additional parking islands, bio-retention and additional plantings will advance the purposes of the Municipal Land Use Law to prevent flood and to promote a desirable visual environment through creative development techniques and good civic design.

8. 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. The Board finds that the Applicant has demonstrated that the variance 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 since the proposal creates provides more landscaping than what exists within the parking area to today and has added benefits of creating bio-retention and reducing the heat island effect.
9. The Board further finds that the benefits of the overall proposed project significantly outweigh the detriments as the project advances the purposes of the MLUL (N.J.S.A. 40:55D-1 et. seq.) by promoting the general welfare. It decreases the existing parking deficit, reduces impervious coverage, creates more landscaped areas, provides electric vehicle parking where none had previously existed, and enhances safety by widening the driveway entrance.
10. With respect to the negative criteria under the MLUL, the Board accepts the testimony that the proposed changes will not have any negative effect on the public

good, on the zone plan or zoning ordinance. The Board finds that the detriments of the application are significantly outweighed by the many benefits.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of West Orange that approval for an amendment to the Final Site Plan with a variance and Soil Moving Permit to demolish the existing golf cart storage/pro shop building and to build a new golf cart building, modify and improve the parking lot, widen the driveway, create and to move soil to upgrade the golf course along with ancillary improvements is granted; and

IT IS FURTHER RESOLVED that the approval granted to Essex County Country Club, is subject to the following terms and conditions:

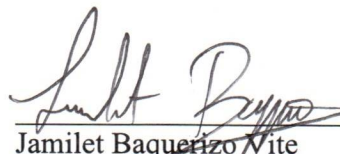
1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations, and directives, including without limitation, obtaining all applicable local, state, and federal approvals, or permits. Without limitation of the foregoing, prior to the signing of the 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 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. The Applicant shall comply with the Township ordinance regarding soil movement requirements.
8. The Applicant will comply with all comments and recommendations set forth in the Planning Board Engineer's November 28, 2023 letter by John Hess of CME Associates except those related to the comfort station.

9. The Applicant shall construct an additional planting island in the parking lot, bringing the total to four (4) planting islands.
10. The plants proposed for the parking lot islands shall be non-invasive plants and be approved by the Township Forester.
11. 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 November 29, 2023, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on December 6, 2023.



Jamilet Baquerizo Vite
Planning Board Secretary

Vote Action Taken by the Board on November 29, 2023:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper			X			
J. Guarino			X			
L.Klein		X	X			
S. McCartney			X			
C. Morgan			X			
P. Smeraldo			X			
W. Wilkes			X			
T. Williams			X			
S. Jensen						----
J. Cardoza					----	
R. Bagoff	X		X			

Vote on Memorialization on December 6, 2023:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
K. Alper			X			
J. Guarino						----
L.Klein		X	X			
S. McCartney			X			
C. Morgan						----
P. Smeraldo						----
W. Wilkes						----
T. Williams						----
S. Jensen						----
J. Cardoza			X			
R. Bagoff	X		X			

RESOLUTION

Township of West Orange

Planning Board

Block: 156 Lot: 1; Zone: R-2

Decided on April 17, 2024

Memorialized on May 1, 2024

**Application for Amended Final Site Plan Approval to Modify Existing Golf Course
Facilities**

WHEREAS, Essex County Country Club (Hereinafter the “Applicant”) has made an application for Amended Final Site Plan Approval to modify its existing golf course facilities, specifically to construct a new “halfway” house located at 350 Mount Pleasant Avenue, also known as Block: 156; 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 February 7, 2024, March 6, 2024, April 3, 2024 and April 17, 2024; and

WHEREAS, the Applicant was represented by Lisa John-Basta, Esq. of the firm Chiesa, Shahnian & Giantomasi, P.C.; and

WHEREAS, the Applicant provided testimony of John Del Mauro, President of the Essex County Country Club, Paul Calabrese, P.E. as a civil engineering expert and Michael Pessolano as a professional planner; (the “Applicant’s Witnesses”); and

WHEREAS, the Board heard questions and comments from the public, along with testimony from Peter Steck, PP (the “Objector Planner”) who was presented as a witness in opposition to the application by Micaela Bennett, Esq., a property owner within 200 feet of the Property; 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
Half-way house Site Plan (7 sheets)	Paul T. Calabrese, P.E.	1/11/2024
Half-way house architectural plans (2 sheets)	Frank J. Rawding, A.I.A.	1/16/2024
Stormwater Management Report	Paul T. Calabrese, P.E.	11/10/2023
Property Survey	Charles P. Stewart, P.L.S.	10/27/1978
Letter in Support of customary nature of half-way house with	Lisa A. John-Basta, Esq.	1/25/2024
Affidavit of Publication and Service	Blanca Saccomanno, legal assistant	1/26/2024

WHEREAS, representatives of the public were provided with an opportunity to pose questions of the Applicant’s Witnesses, provide testimony from the Objector Planner 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, the Objector Planner and 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 January 22, 2024 by Paul Grygiel, AICP, PP, Township Planning Board Planner and engineering reports by John Hess, PE, PP, CME, Township Planning Board Engineer dated January 29, 2024 and February 26, 2024; and

WHEREAS, during the course of the hearings the Applicant's attorney and Ms. Micaela Bennett, Esq. filed multiple letter briefs with the Board in support of their respective legal positions including: (a) Lisa A. John-Basta, Esq. letter brief dated February 23, 2024; (b) Micaela Bennett, Esq. letter brief dated March 5, 2024; and (c) Lisa A. John-Basta, Esq. letter brief dated March 22, 2024; 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 Applicant is requesting approval for Amended Final Site Plan to construct a new 620 square foot halfway house near the southern end of the Applicant's property.
2. The Board affirmatively finds that the proposed halfway house is a customary accessory feature for a golf course based on the totality of the evidence presented during the course of the hearings.. The halfway house is located on the same lot as the principal golf course use and is incidental thereto in that it is a 620 square foot structure to be placed on an over 176-acre parcel of land that provides an amenity to the members and guests of the golf course inclusive of restroom facilities and a small walk-up snack/beverage bar. The Applicant submitted documentation of at least seven other golf courses within fifteen to twenty miles of the Applicant's golf course in the State of New Jersey with similar halfway houses to the one proposed

by the Applicant (with liquor licenses,) including another country club also located in West Orange. The Board also notes that the Board's professional planners Mr. Paul Grygiel and Mr. Gerard Haizel provided their professional expert planning testimony that the proposed halfway house is a customary accessory use/structure to the golf course. The Board was not persuaded by Objector Planner'' (Peter Steck) position that information on all golf courses within the State were required to be explored.

3. The Board also does not accept the logic of Mr. Steck's testimony related to the accessory nature of the proposed halfway house. Mr. Steck believed the halfway house was not a permitted accessory structure/use to the golf course due to the potential sale of alcohol from the structure and its proposed location on the Property but at the same time opined that the halfway house may be a permitted accessory/use structure if it was relocated to a different location on the Property where his client Ms. Bennett requested it be relocated to.
4. The Property is located on the southwestern corner of the intersection of Mt. Pleasant Avenue and Prospect Avenue and has been developed with a golf course since 1887. It was represented by the Applicant that it is the oldest golf course in New Jersey and one of the oldest in the country.
5. The area of the Property is 176.83 acres and it is occupied by a golf course, a clubhouse building, tennis courts, a pool house, two (2) swimming pools, a golf cart barn/pro shop, several maintenance building and a number of other accessory structures.

6. Surrounding the Property are single family residential properties, institutional, office and public buildings, and the Francis J. Byrne golf course, owned by Essex County.
7. There are no variances required for the application.
8. The proposed halfway house has two restrooms, one for men and the other Unisex/ADA compliant along with an approximate 105 square foot walk-up snack/beverage bar.
9. The current golf course set up has no restrooms on the course and the location of the halfway house was selected because it is a combination of the furthest and safest point from the existing clubhouse.
10. The proposed structure will have an overhang to protect golfers from the sun, lightening, storms, and golf balls.
11. No chairs or tables will be allowed at the halfway house as the only persons utilizing the halfway house are golfers who are required to keep a quick and efficient pace of the game.
12. Food consisting of pre-packaged items will be available along with water and soft drinks from the halfway house; however, no alcohol will be sold or served unless and until a specific alcohol beverage license is obtained for the halfway house.
13. There will be no cooking, grilling, or other food preparation at the halfway house.
14. The halfway house will be open only when the golf course is open for play (approximately 8AM to 7:30PM or less depending upon sunrise and sundown).
15. The proposed structure is 620 square feet and is located near the 14th fairway which is 65 feet to the nearest property line (45 feet is the minimum required setback to

the property line under the Code and therefore the proposed structure exceeds the minimum setback requirement by 20 feet) and 175 feet from the nearest house located at 8 Margulis Court (Block 156, Lot 29.03), which property owner did not appear or object at the hearings. The Board finds the proposed structure meets and exceeds the required minimum setback and that the structure will not have a detrimental impact on the surrounding property owners. Yet to minimize any impact that may be caused, the Board conditions the approval on planting and maintaining screening approved by the Township Forester on the side of the building that faces Old Indian Road.

16. The height of the accessory structure is 14'7" (which is less than the maximum permitted height for accessory structures in the zone of 15 feet).
17. The only utilities at the halfway house will be electricity, water and sewer.
18. Applicant will seek a New Jersey Department of Environmental Protection ("NJDEP") Freshwater Wetlands Letter of Interpretation (LOI) for the construction of the halfway house to confirm the presence/absence of wetlands and the required wetlands buffer. The site plans filed with the Board illustrated the limit of the wetlands transition area, and that the halfway house was proposed to be located outside of the regulated wetlands area buffer. The Board finds that the Applicant's receipt of a Letter of Interpretation from the NJDEP/approval for construction of the halfway house will adequately address the issues raised by Ms. Bennett and the public related to the potential encroachment of the halfway house into alleged regulated wetlands areas. The Board finds that the NJDEP is the appropriate governmental entity to make such a determination. The Board does not

provide any weight to Mr. Steck's testimony regarding the existence of wetlands and/or the potential encroachment therein since Mr. Steck is admittedly not an expert in wetlands or a civil engineer.

19. The Applicant also submitted an existing conditions and site clearing plan as part of its site plan set along with a tree removal application that indicated two trees were proposed to be removed in order to construct the halfway house. To address Ms. Bennett's and the public's concerns that additional trees may be removed or damaged in the construction of the halfway house, the Board conditions approval of the application on the Township Forester's review and approval of the tree removal plan, and also on the condition that any trees removed or damaged in order to construct the halfway house be replaced in kind on the Property. This condition shall not apply to trees located at a distance greater than 75 feet from the property boundary line that are exempt from the Township's Tree Removal Ordinance pursuant to Code Section 25-27.4.c.5.
20. Only interior lighting will be used and a single light for decorative accent will be placed over each of the restroom doors. This lighting will be shielded and pointed down so there is no spillage of light onto neighboring property.
21. For the safety of the golf course members and guests, the Applicant shall install an AED defibrillator machine on the exterior of the halfway house and train the employees working within the halfway house in the use of the machine. The Applicant shall also install an emergency 911 call box on the exterior of the halfway house.

22. To abate any concerns related to potential litter and/or trash generated from the halfway house the Applicant agreed to perform property maintenance at the end of the day and remove any trash, bottles, cans or other debris that is disbursed in or around the halfway house.
23. Applicant's planner and Board planners testified that the halfway house is an incidental, customary and subordinate structure common to golf courses.
24. There are seven other golf clubs located within 15 miles of the Essex County Country Club that have halfway houses (that sell alcohol) and offer the same proposed amenities as the application presented.
25. The halfway house will not be open to the general public for service of any food or beverage. The halfway house is an amenity to the members and guests of the golf course only.
26. The Board finds that any stormwater runoff from the vicinity of the halfway house will remain on the Property and will not discharge offsite.
27. 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:

The proposed application complies with and meets all the standards of the Township ordinance and N.J.S.A. 40:55D-50a .

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of West Orange grants approval for an amendment to the Final Site Plan; and

IT IS FURTHER RESOLVED that the approval granted to Essex County Country 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

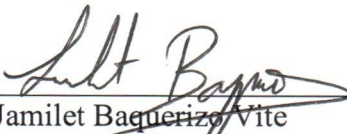
municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successor or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, 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 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 garbage will be disposed of and removed from the halfway house at the end of each day.
8. No cooking/grilling permitted at the halfway house.
9. No chairs, tables or seating at the halfway house.
10. No music or public announcements to emanate from the halfway house

11. Should the applicant seek to serve alcohol from the halfway house they must first obtain approvals from the Township Council/ABC Board for the sale/distribution of that alcohol.
12. Site plan approval is contingent upon Applicant demonstrating that necessary approvals and/or directives from the NJDEP have been met and satisfied.
13. An AED defibrillator machine shall be placed and maintained on the exterior of the halfway house and all persons who work at the halfway house must be trained in the use of the AED defibrillator machine.
14. A remote 911 call box must be installed and maintained on the exterior of the halfway house in close proximity to the AED e.
15. Applicant must comply with the comments and recommendations set forth in the Planning Board Engineer's January 29, 2024 letter by John Hess of CME Associates.
16. Applicant shall plant and maintain evergreen screening which has been approved by the Forester on the side of the building that faces Old Indian Road.
17. Any trees removed or damaged for or by construction of the halfway house must be replaced in kind and maintained in perpetuity.
18. The halfway house hours are limited to the hours that the golf course is in use, approximately 8AM to 7:30PM.
19. Any tree which is to be removed must be shown on the plan and such removal must first be approved by the Township Forester.

20. Property maintenance must be done at the end of each day to remove any trash, bottles, cans or other debris that is disbursed in or around the halfway house.
21. 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 April 17, 2024, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 1, 2024.


 Jamilet Baquerizo Vite
 Planning Board Secretary

Vote Action Taken by the Board on April 17, 2024:

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

Vote on Memorialization on May 1, 2024:

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