

**DRAFT
MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
November 6, 2024 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on November 6, 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, December 4, 2024 at 7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. Ken Alper; Mr. John Cardoza; Mayor Susan McCartney; Mr. Peter Smeraldo; Council president Bill Rutherford; Ms. Lori Kapferer

ABSENT: Mr. Lee Klein; Mr. Christopher Morgan, Sr.; Mr. William Wilkes;

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

SWEARING IN

- The Township Professional(s) sworn in.

APPLICATIONS

- **PB-24-18 Essex County/Turtle Back Zoo**

Block: 163 Lot: 1 Zone: R-1

560 Northfield Avenue

The applicant, Essex County, proposes to make renovations to an existing deck pathway system for the Australian Outback Exhibit at the Turtle Back Zoo.

PRESENTATION

- The attorney, Mark Fleder, introduced the landscape architect, Michael Piga.
- The landscape architect Mr. Michael Piga entered on the record, he was sworn under oath and his credentials were accepted by the board. He testified to the following:
- Mr. Piga intends to enlarge it to accommodate larger strollers and everything of that nature. The boardwalk will be handicap accessible, ADA compliant.
- It will allow people to go from a lower portion of the zoo up to the petting zoo.
- The project will not involve any enlargement of the buildings or structures.
- There will be some trees removed, but they will be replacing them. There are 9 trees to be removed and 9 trees will be installed in their place.
- Mr. Piga displays the current boardwalk system but states the area is congested and does not meet ADA compliance.
- The boardwalk will be kept in the same location but they will be making it wider. Currently it is 5 feet wide, now they are attempting to make it 10 feet wider.
- All boardwalk area will be ADA compliant.
- A secondary decking connected to the boardwalk will allow people to stop and look at the Australian animals.
- There is a connection to the existing prehistoric playground.
- They will be keeping the plaza area but upgrading it to allow the new boardwalk to go into the exhibit and opening it up.
- Other landscaping will be installed to compliment the Australian outback, such as different types of trees to blend in with the Australian outback aspect.
- It will take 5 months to complete the project.

BOARD QUESTIONS

- Mr. Guarino asked if there is going to be a change in the type of material that they will be using in the new boardwalk layout. The architect said no; right now, they have tracks as a boardwalk and they will put track in its place.
- Mr. Guarino asked are they moving the trees into a new place or replacing the trees with 9 new trees. The architect said 9 new trees.
- Mr. Guarino asked will the trees be well grown and be able to survive the upcoming weather changes. The architect answer in the affirmative.
- Mr. Guarino asked is there any railings around the walkway. The architect said yes, there is a railing and it is ADA compliant and has the graspable handrail.
- Mr. Guarino asked how many entrances are there. The architect said the access points are one from the main pathway, a second one up in the petting zoo area and one into the actual Australian outback. These pathways all convene in the plaza area. Lastly, there is an access point that goes into the prehistoric playground.
- Mr. Guarino asked if there will be any lighting on the walkway. The architect said no; he said that there was no lighting intended and there was no lighting there before.

- Mayor McCartney asked is it possible to relocate the trees if they are healthy trees. The architect said no; the trees in the area, specifically the American Beeches, do not take well to any type of disturbance around them. They will be replacing the trees with Willows, Oaks, and Honey Locust trees. These will be compatible to the area.
- Mayor McCartney asked if widening the boardwalk will change the drainage. The architect said it does not.
- Council president Rutherford asked is there any additional lighting in the area that allows the boardwalk to be illuminated at night. The architect said to his knowledge there isn't any lighting on the pathway so they typically don't use it during the night.
- Council president. Rutherford asked if they are willing to replace more than 9 trees. The architect said he will have to speak with the county.
- Council president Rutherford asked about the additional planting in the area. The architect said there will be grasses along the walkway. They are trying to match the plants that are similar to an Australian landscape.
- Council president. Rutherford asked are any of the tree species that are being planted invasive. The architect said no.
- Chairman Bagoff asked if the 9 trees that are being removed dead, dying or healthy ones. The architect said that a couple of them are in an ok shape and for the rest of them, it doesn't matter because if they do any movement around them, they will eventually die.
- Ms. Kapferer asked if the trees will be planted in the same general area of the Australian Outback. The architect said yes.
- Ms. Kapferer asked if they are increasing the impervious surface to the newer walkways. The architect said no this is not considered an increase in impervious.
- Mayor McCartney asked if they are replacing any of the trees with additional Beech trees due to the Beech tree disease. The architect said they are not coming back with Beeches; they are coming back with Willow Oaks and Honey Locust. Willow Oaks have very little disease and looking at the habits of the plants and trying to make them work with the Australian Outback theme.
- Chairman. Bagoff asked will the county and the zoo agree to replace the trees in accordance with the updated West Orange Tree Replacement Ordinance. Mr. Fleder said the ordinance doesn't apply on county property, but will take it under advisement.

NO PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

- Robert Rashkes at 45 Oak Crest Road asked what type of seating they will be using and is it ADA friendly. The architect said seating will be benches that are typically found throughout the county and its parks and it is ADA compliant.

GENERAL DISCUSSION

PUBLIC COMMENT

Motion: Chairman Bagoff

Second: Council president Rutherford

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

ORDINANCE REVIEW

[2870-24-Amending-and-Supplementing-Chapter-25-Section-29-of-the-Township-of-West-Orange-Municipal-Code-Stormwater-Mgmt-RedLined CME-Associates---Review-of-Ordinance-2870-24](#)

- The township's consulting planner, Mr. Haizel, recommended that state regulations should be included in the plan. In his opinion the ordinance is consistent with the master plan.
- The board engineer, Mr. Hess, commented that all municipalities are required to adopted the state regulations to facilitate that the DEP publish a model stormwater ordinance in the New Jersey Stormwater Best Management Practices Manual. Mr. Hess reviewed the proposed ordinance against the model ordinance and found that it is consistent. The only changes he recommended is to include section numbers, so it fits into the West Orange ordinance and also to include the proper references to the County of Essex register of deeds and mortgages.

Motion: Charmain Bagoff

Second: Mr. Guarino

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

- **PB-24-15 3135WO, LLC**
Block: 141 Lot: 1 Zone: B-1
31-35 Harrison Avenue
The applicant proposes to expand their printing and embroidery business, Uptown

Printing, LLC., by constructing a one-story, 2,130-SF addition to the rear of an existing commercial building. The addition will include a new entry on the western frontage, enclosed by an overhead door, for the purpose of receiving deliveries, and shipping orders. ***(Applicant has requested to be adjourned to the December 4, 2024 Planning Board regular meeting without further notice.)***

- **PB-24-06 410 Main St Holding LLC**

Block: 113 Lot: 262, 264 & 308

410 Main Street

Applicant is proposing a 3-story mixed use development with 12 residential dwelling units above, ground floor parking and commercial space.

PRESENTATION

- On behalf of the applicant the attorney, Benjamin Wine, reviewed some of the highlights from the beginning to where they are today.
- They enhanced the facade along Main Street and on Park Drive north to create a more traditional look. They added brick, canopy styles over the windows as well as a cast stone banding to pick up the elements along Main Street.
- It was indicated from the board that they would like to see some type of depth to the building so they added awnings to the storefront to create a neighborhood walkable feel that exists in Main Street.
- The applicant was able to add a green roof to the property. Initially, Mr. Wine had a concern that it required some type of bulk head to be created to walk up and service the green roof. However, upon a conversation with the architect, who was able to indicate that is not the case, they can do it by roof hatch ultimately providing maintenance to the green roof without having to add an inch to the building.
- After taking Mr. Haizel suggestion to relocate the trash room along Main Street and the residential lobby, they were able to pick up another parking space inside the building. They went from 13 parking spaces to 14 parking spaces.
- Mr. Wine confirmed that the bathroom area in the commercial area is ADA compliant.
- They were able to add exterior lighting fixtures to the building, specifically along the rear walk for safety and security. They were able to do that without creating any additional spillage to any of the neighboring properties.
- There were concerns about the noise level and lighting of the warning signals for the pedestrians for crossing to ensue traffic safety when vehicles are entering and exiting the garage. Mr. Wine states there are multiple products that allows you to calibrate and control the lighting and the audio effect of the warning signs.
- The project planner, Mallory Clark, entered on the record, she was sworn under oath and her credential was accepted by the board. She testified to the following:
 - Within the B 2 zoning there is a permitted conditional use of mixed-use buildings
 - There are 4 provisions that need to be met in order to comply with the conditional use and the applicant complies with all of these provisions.
 - The first provision of the conditional use is that permitted ground uses are restricted to permitted principal uses of the B1 and B2 districts.
 - The second provision is one or more dwelling units are permitted above the ground floor. They have 12 residential units proposed on floors 2 and 3.
 - The third provision is access to upper floors shall be provided by means of separate entrance from the entrance provided for ground floor uses. This means that the commercial space and residential space need to have fully separated ingress and egress

into the building and points of access. The applicant has an access to the commercial space at the corner separated from the residential lobby that goes up to the upper floors. There is an additional residential access to the parking garage and connects them to the same lobby.

- The final provision is that the minimum lot area should be 5,000 square feet and minimum street frontage shall be 50 feet. The subject property has a lot area of 12,000 square feet and 140 feet of frontage along Main Street and approximately 84 and a half feet of frontage along Park Drive North.
- Ms. Clark explained that the B2 district permits more traditional commercial uses and is written from a bulk perspective to envision surface parking serving these commercial spaces.
- Due to the irregular shape of the lot in a corner configuration, it limits the available building envelope that is permitted within the ordinance. If they were to adhere to the B2 bulk regulations their buildable envelope on the site will be a little under 3,000 square feet.
- Ms. Clark compares the Downtown Redevelopment Plan Edison Mixed Residential Zone (E-MR) with their site.
- The requirement in E-MR zone is zero-foot front yard setback. Any other property line is considered a side yard so the required set back on all the other 3 property lines, if it were to be consistent with that zone, would be a 5 feet setback. That would leave a buildable envelope of about a little over 10,000 square feet. Once the coverage requirement is layered in, which would reduce the scale of the building, the maximum building foot print would be 7,100 square feet.
- Another comparison, Ms. Clark displayed, was the Central Valley Corridor Redevelopment Plan. This plan has a smaller scale of front yard setback of 7 feet, rear yard setback of 10 feet, side yard setback of 4 feet. Yield of building foot print once coverage limitations are overlaid on the site, is about 8,300 square feet.
- The zone permits a maximum building height in stories of 2 ½ stories and the site has 3.
- Due to the sloping of the site, on Main Street they are at 3 stories which is low point of the site. At the rear of the site, they are at a 2 ½ story from a visual standpoint.
- They are seeking relief to the side yard setbacks where ten feet are required and they are at 5.22 feet.
- The upper floors are compliant for the setback requirement.
- Their front yard setback is proposed at 5 feet where a minimum of 30 is required and states this is due to the ordinance not fully contemplating the mixed-use typology.
- They are proposing about 1,600 square feet of green roof.
- Their requirement for the site is 25 parking spaces; 23 of those required spaces are associated with the residential use of the building and they have proposed 14 spaces within the project.
- They were able to secure an agreement with the church across the street to provide up to 10 parking spaces.
- The units will be restricted to one space on site. If they seek additional parking in each unit, they will be able to utilize the spaces across the street at the church.
- Additionally, there is a provision in the zoning code, 25-12.1.K, which allows the off-street parking facilities as required can be provided offsite for non residential uses in the B2 provided within a property that is within 250 feet of the principle building and they comply with this.
- They are advancing several goals and objectives of the 2019 master plan. The first being objective 9: to promote a desirable visual environment. Objective 11: to encourage

economic redevelopment and rehabilitation in downtown and other commercial areas.
Objective 13: improve and maintain existing residential neighborhoods.

BOARD QUESTIONS

- Mr. Guarino asked if there is anything from this project that could be seen as a negative that you have not been able to mitigate adequately. Ms. Clark answered that in an ideal version of the world, we might have a slightly different amount of breathing room of setback of lower residential behind us and that is driven from a design perspective to try to get close to our parking ratio. To accommodate the most reasonable parking configuration on the site would necessitate a bigger building footprint.
- Mayor McCartney asked if it is possible to swap the entrance and exits of the building itself where people would just be able to exit on the left instead of the right and have to go up and around the street. Mr. Wine said there is a safety concern about switching the entrance and exits. You wouldn't want cars slowing down to turn into a 90 degree turn into a parking garage on Main Street. Given there is a property next to the site, they can't exit onto their property.
- Mr. Rutherford asked how would the 10 parking spaces across the street impact the existing permit parking in that lot. Mr. Wine answered that they have confirmed the 10 spaces they would be looking for would have no conflict with any other arrangement the church may have on their site.
- Mr. Rutherford asked are we aware of the lighting for the people that may be crossing the street to the church. Ms. Clark answered that directly across the property there is a series of billboards and there are streetlights in front of those billboards. A couple of feet south of the intersection, there is another streetlight if you were to walk across Park Drive North and then cross directly from there. Ms. Clark states there is substantial lighting in the evening for pedestrians.
- Mr. Rutherford asked have you considered how police officers in a foot chase or any investigations around the rear of the building or particularly on the south eastern corner have visibility or lighting challenges and also make access to the rear of the building for firefighters a little more challenging. Ms. Clark said there is substantial ability for emergency services to access all sides of the property.
- Mr. Alper asked on the Edison and Central Valley redevelopment projects, the properties adjoining them, were there any existing single-family homes. Ms. Clark said she can't definitely say there are single family in that zone.
- Mr. Alper stated that, on the front side yard on Park Drive North, you said there was a 5-foot setback but there is a planning review memo that said it was a 25-foot setback. Ms. Clark said that the 10-foot setback is for the side yard, which is the southern side of the property that would be happening along main street. The front side yard is what fronts onto Park Drive North and that is the 25-foot setback requirement.
- Mr. Alper asked what is the percentage of improvement of implementing a green roof. Ms. Clark said it's 65% improvement of storm water managing on a site
- Mr. Alper asked from a permeable surface coverage perspective does that allow you to change the percentage that is covered. Ms. Clark said no due to the code not contemplating green infrastructure meeting the coverage requirement so it doesn't change what we are required to do.
- Mr. Alper asked is the use of the parking either at the church or municipal lot mandatory for people that have a vehicle that don't have a space for in the building. Mr. Wine said in the lease for the proposed tenants, it would allow every unit one parking space and if they have a second vehicle, they are required to let management know and they would

coordinate another space either at the municipal lot or across the street at the church.

- Mr. Smeraldo asked since there are 2 spots allocated to the commercial property, but if we anticipate foot traffic, where do you anticipate those people parking. Ms. Clark said that the code requires one space for every 250 square feet of commercial square footage, so it is up to operations long term whether those get dedicated for patrons vs. employees.
- Mr. Smeraldo asked what do you see as an optimal type of business there. Ms. Clark said there could be a variety of things. A full service restaurant however, could not be easily accommodated in 900 square feet. It could also be office spaces. Mr. Wine said after speaking with their client it would be more of an office space.
- Mr. Smeraldo asked if the resident is going to be charged for a second parking space or would it be included in their lease. Mr. Wine said they would make sure it would be included in their lease. The lease will ask the tenant how many vehicles you have and if it changes to let us know whether it goes up or goes down.
- Ms. Kapferer asked are there any aspects of the project that you feel would serve to improve pedestrian safety. Ms. Clark said that the warning systems that they are proposing would serve to eliminate safety concerns. Additionally, they have expanded sidewalk conditions that's going to be created with the commercial space.

PROFESSIONALS QUESTIONS

- Mr. Haizel asked are the spaces at the church going to be 24/7 dedicated spaces. Mr. Wine said speaking with the church there is no issue with overnight and weekday hours. The only possible potential challenge would be Sundays.

PUBLIC QUESTIONS

- Susan Lenczyk at 234 Eagle Rock Ave asked is it possible that the commercial space be the management office for the apartment building. Ms. Clark said from a zoning standpoint it would be permissible but a building of this size wouldn't need a management office.
- Susan Lenczyk refers to the Justification of Variances document and asked how does the project "provide light, air, and open space". Ms. Clark said provide just means allow for in this context, not generate.
- Susan Lenczyk asked did you make your judgments based on the actual site conditions or on diagrams on paper. Ms. Clark said both.
- Susan Lenczyk asked did you closely examine the property on the south side of the proposed development and if so what time of year. Ms. Clark said she examined it in aerial view from Google and confirmed with the property lines that the setback is approximately 5.5 feet from their property line.
- Susan Lenczyk stated that testimony regarding placing a building a few feet from an adjacent property where there was always open space, light, and airflow is suburban but isn't that more urban in nature? Ms. Clark said it's consistent with the zoning so the mixed used prototype is a permissible use within the property.
- Susan Lenczyk asked how does the project establish appropriate population density and specifically contribute to the well being of the neighborhood. Ms. Clark said they are looking at the zoning of the property at hand and so the residential property and their associated densities are subject to different zoning standards.
- Love Gaillard at 31 Park Drive North asked have you or your team driven around the township of West Orange to see what the landscape is. Ms. Clark answered that she is familiar with the town of West Orange and has handled other applications before the zoning board and is familiar from a zoning perspective.

- Love Gaillard asked are you or the developers aware of the historic significance of the national park that is behind the property. Ms. Clark said she can't represent what the developers are aware of but in terms of how the site is developed we are looking at zoning of the subject property and what is permissible per the zoning code.
- Love Gaillard asked have you considered the safety of the children due to the possibility of moving the bus stops in the area. Ms. Clark said as the project currently proposed there is not an impact on the existing bus stop.
- Ms. Mary Kay Adams at Park Drive South refers to the slides of other redevelopment plans and asked isn't it misleading to try to overlay those standards to what is strictly a B2 zone property. Ms. Clark said no, the exhibit tried to show was that it's not really viable to meet the bulk standards of a wildly different site configuration from a building footprint standpoint.
- Ms. Adams asked what is the proportion of the commercial space of the buildings you propose compared to the residential units that are in each of those buildings. Ms. Clark said I do not have those numbers prepared tonight.
- Ms. Adams asked how does a 900 square foot office activate downtown redevelopment and justify all these mixed-use considerations and their requests. Ms. Clark said any level of commercial space is going to activate a street front more than a traditional residential on a street frontage.
- Ms. Adams asked since it is one parking space for every 250 square feet of commercial space, would that constitute 3 ½ parking spaces for this commercial space. Ms. Clark said we are implementing EV wire spacing, an energy efficiency program, so it reduces it to 2.
- Joe Middleton at 4 Ashwood Terrence asked what the term of the parking agreement is; would it be at least 5 years and would you have an ongoing agreement with another facility. Mr. Wine said they don't have a formal agreement yet but the goal is for it to be indefinite.
- Joe Middleton asked do you think our zoning restrictions are unreasonable or ill informed and why is there a need to introduce those zoning regulations as opposed to the zonings here that are clearly defined. Ms. Clark said its not that they are ill informed, its just not a fully baked component of the ordinance. In her professional opinion, the next steps would be to look at what are the appropriate bulk standards for a mixed-use building in these zones under that conditional use.
- Joe Middleton asked have you considered to stretch the size of the building to meet the irregularities. Ms. Clark said if we were to be complaint with the bulk standards, we wouldn't have a viable mixed used project.
- William Mills at 11 Park Drive North asked if there is an actual agreement with the church. Mr. Wine said there is a framework. However, there is not going to be an agreement that says they have 10 spaces because there might not be a need for it. The first parking space will be given in the building; any subsequent spaces will be through the municipal parking lot or at the church.

The Application has been carried to the next Planning Board regular meeting on December 4, 2024 without further notice

Meeting adjourned at 11:00PM.

ADOPTED:

Jamilet Baquerizo Vite
Planning Board Secretary