

**DRAFT
MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
December 11, 2024, 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on December 11, 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 special meeting will be held **Wednesday, December 11, 2024, at 6:30 P.M.**
- The next Planning Board regular meeting will be held **Wednesday, January 8, 2025, at 7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. Ken Alper; Mr. John Cardoza; Mr. William Wilkes; Mr. Lee Klein; Mayor Susan McCartney (7:46PM); Mr. Peter Smeraldo (8:20PM); Council president Bill Rutherford; Ms. Lori Kapferer

ABSENT: Mr. Christopher Morgan, Sr.;

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-24-01 West Essex Highlands, Inc**

Block: 179 Lot: 32 Zone: IH-1

Warner Road

The applicant is proposing to develop a 496-unit inclusionary multifamily residential development on a vacant 120-acre property in the northwest corner of the Township.

***The transcript below of the hearing dated December 11, 2024 is the full record of the hearing and is attached hereto as the minutes of the meeting. ***

[PB-24-01 West Essex Highlands - Transcript from 12.11.24 \(Compressed\)](#)

[PB-24-01 West Essex Highland -Transcript from 12.11.24](#)

[O3 - WEHI-Tree-Removal-Plan-2010](#)

[Exhibit-O4-West-Essex-Highlands-Affordable-Housing-Development-2023](#)

The application has been carried to the January 29, 2025, Planning Board special meeting without further notice

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

Block: 113 Lot: 262, 264 & 308

410 Main Street

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

PRESENTATION

- The attorney for the applicant, Benjamin Wine, gave a closing statement. Mr. Wine stated that from the testimonies of the traffic engineer and planner that every single one those other uses that is permitted for this particular site would be a horrible way to honor the public's concern.
- Mr. Wine emphasized that the governing body adopted this conditional use where certain lots will meet the standard for this use, and this is one of those lots.
- Mr. Wine states the site is a good opportunity where there is a maximum of 5 vehicles per hour during the peak hours, which is 1 vehicle every 12 minutes circling Park Drive.
- The whole point of this application was that it would be a planning board application due to the board's ordinance having conditional use standards for this lot.

- The applicant wanted to provide a use that is the best possible use of this site when you compare it to alternatives such as a 7/11 convenience store, a funeral home, things of that nature.
- Several comments and concerns from the board have been addressed such as design, adding a green roof, garage warning signals, pedestrian safety concerns,
- Despite traffic testimony stating that parking overflow is unlikely to occur, they still provided offsite parking in case of overflow.
- They have agreed to work with the county to install pedestrian safety crosswalk with a lighted beacon across Main Street.
- The bulk standards are what really did not change from the B2. A 30% building coverage, for example, is great for a 7/11 but that doesn't work for a mixed-use building as stated in previous testimonies.

BOARD QUESTIONS

- Mr. Guarino asked did you or the developers go out and meet your potential new neighbors and asked them their opinion about how they feel about a project like this. Mr. Wine said his client did attempt to knock on a couple of doors at different times of the day and reported back that nobody answered the doors. Ms. Kapferer asked if there is an affordable housing component. Mr. Wine said they would comply with the ordinance requirements. The requirements of the affordable units are built at the exact same specification as the market rate unit.

BOARD COMMENTS

- Mr. Haizel said there are several conditions that the applicant needs to meet to be permitted as a conditional use including: permitted ground floor use, one of the dwelling units shall be permitted in the upper floors, the upper floor needs a separate entry, and a minimum lot area for this use would 5,000 square feet. In this instance, the applicant meets all of these conditions. The lot size is actually more than double the minimum required. That, in part, is where some concerns of the project come in. This would be the largest building in the area. One of the issues that was most previously discussed was the parking and to accommodate the parking on the ground floor to get the necessary depth, the building needs to utilize most of the lot. Mr. Haizel looked at the possibility of reducing the number of units which would bring the potential size down but if you are going to provide onsite parking, you are not going to lose some of the depth that they are taking, you may have to pull the building in from the sides but the street frontage would still remain fairly large; you can maybe increase the setback. He thinks this is a good use for the site, it's in keeping with what the master plan and the zoning ordinance envision for this area, it would be an opportunity to spread the commercial activity. It will also help in calming down the 4-lane road way that cars speed down. The applicant has an application that is conforming to the conditional use standards, however, there are a few variances in terms of setbacks due to the size. A smaller building would probably be more fitting to the character of the town. Mr. Haizel thinks this is a good use and should be accommodated here but he is concerned about the size relative to everything else around it as it is significantly larger. He is concerned about what it will do to Park Drive North; he thinks it will definitely increase vehicle traffic, not to say it would cause a substantial detriment to that area, but the street is narrow already.

- Mayor McCartney said it seems that everything that the board has requested in previous meetings, they have addressed. She is kind of ok with the size of the building. They never discussed reducing the number of units to make it a smaller size and make it more accommodating. In terms of parking permits, she would like all the residents to have parking permits but she doesn't know if there's enough parking across the street and she doesn't think people will use the municipal lot down the street. Mayor McCartney has always been concerned about the parking and traffic.
- Mr. Klein said he is less concerned about the parking and traffic. He doesn't have a problem with the number as long as the crosswalk is there to get people across the church parking lot for the 8 spaces that are required there. He would like to see the mayor and council pass permit parking for Park Street North, West, and South and even Ashwood, across the street, to manage the parking a little bit better. He had some concerns originally about the southern side of the property, specifically the setbacks. Mr. Klein looked at the plans and the existing townhouse next door is 7.8 feet off the property line. The first-floor garage is over 5 feet off so it is over 13 feet away from it on the first floor. The second floor is a 10-foot setback so it is more than 18 feet offset on that side. He doesn't have a problem with the amount of traffic that will be generated to go around the block on Park Drive North because right now residents have to do the same to park. As long as the landscaping is put as a buffer along the south side of the building and is maintained, that will work as well. He agrees if it was a commercial property, it could be like a 7/11 which could generate a lot more traffic. He doesn't think they can get a driveway on Main Street because of the bus stop and pedestrians walking on Main Street.
- Council President Rutherford said he still has a problem with the scale of the building and the proximity to actual Main Street; how far back its set from Main Street itself. He has an issue with crossing, even though they were fortunate to put some signage on the other side of Dunkin Donuts 6 months ago due to the Edison school right across the street. Even with the signage, however, there are still complaints from parents with kids trying to cross so it is still a dangerous area to cross. He is pleased that there was some progress made with the county even though it's not finalized with regard to lighting and putting a crosswalk there but there is still a danger for crossing that road if they have people parking on the Bethany lot. He is also concerned with traffic as he has spent some time on Park Drive North, West and South and regularly there are people parking illegally today out of necessity. His concern is for public safety if they are going to exacerbate the parking issues there, will the ambulances and fire trucks be able to access the full loop properly as there are some challenges in when you go around the corner on the top and then to get off north to west. He doesn't think the Mississippi Ave lot is feasible, he doesn't think people will choose to park there since it's a decent walk and people will be more hesitant during the night or inclement weather. The character of the building in regards with the other properties in the area seems a little out of place. There are smaller similar multifamily homes on that loop, there are some building on Main Street, but this one seems a little out of character in comparison to them. The commercial space, while they do want more commercial space on Main Street, he doesn't think 900 square feet is a substantial addition of commercial space on Main Street. He doesn't know if it's going to pull down economic activity from the Harrison corner with just the one store front there. It depends what you put there, but he doesn't think its substantial enough to impact commercial traffic. There is an upside to that in terms of parking and

vehicle traffic that it won't increase significantly but the downside is there's a lot of variances that are being applied. While it is characterized as a good use by Mr. Haizel, he doesn't think it is a good use in the sense of the existing neighborhood, on vehicle traffic, and on public safety particularly crossing Main Street.

- Mr. Guarino said development is always good, especially for Main Street, that fits the neighborhood, fits the people, and makes a contribution to the character and makeup of the neighborhood. It is a beautiful building and a lot of effort was put in to it. However, Mr. Guarino states it is very overwhelming for the neighborhood. It's an important thing to listen to developers, look at plans, and analyze things but also, it's important to think about the residents and the neighbors and think how would you feel if you were in their position and look at this project. To Mr. Guarino it doesn't fit the neighborhood.
- Mr. Alper said there are a good number of things he likes about the project, especially the mixed-use element, even though he agrees 900 square feet is not a lot but he thinks it's important that they have more mixed uses downtown. He also appreciates the addition of the green garden. However, he has some concerns. One of them being parking, even though Mr. Maltz has provided his testimony on visiting the area, Mr. Alper doesn't agree with all of his conclusions. He would anticipate anyone visiting the retail space, deliveries, residents, and residents' guest, would be trying to find a spot on the loop before they go somewhere else generating another trip around the block. As a result, it would be more than 5 trips an hour. He thinks resident parking places that would only be for Park Drive residents is a good idea; if they can get that set up properly in combination with the offsite off-street parking, that can help but it won't resolve any other issues. Additionally, the setback that concerns him is the one on Park Drive North, 5 feet rather than the required 25 feet. Along with the safety issues that have come up, the neighboring houses are setback with front yards with landscaping and gardens and the building seems to be out of character with the rest of neighborhood. The 5-foot strip of grass and shrubs doesn't do it enough while a smaller structure would allow for that additional setback. Lastly, the lot coverage number is 82% vs 60% permitted vs 30% for the former building; it's twice the old coverage and 37% more than allowed by the ordinance. The building coverage looking at 73% as designed vs 40% permitted vs 15% for the old building, that's almost 5 times more than the old building and 85% more than allowed. He wonders if the project does provide adequate light, air, and open space when it's occupying that much more space than what used to be there; to Mr. Alper it doesn't. He thinks the size of the building, the parking, the lot coverage and building coverage remain a problem.
- Mr. Wilkes said the setback is an issue as well as the parking and the neighbors are not necessarily seeming to be very welcoming right now. They are their neighbors as well, they're from the town, and they are paying taxes and they have valid concerns. A lot of things have already been repeated by his colleagues.
- Mr. Cardoza listed some of the residents' concerns such as shadow, light, and traffic studies not being completed. In keeping with the standard practice for a development of this size, the Park Drive loop is a narrow road, there's limited parking and residents already have a tough time with that and he wouldn't make light out of that. There has been mention of potential difficulties during construction but that would remain the same regardless of whatever construction project there can potentially be in the future. There was a lot of mention about the architectural not keeping in character with the area. The proposed size is overwhelming and it does have a different look, but the aesthetics are

subjective. He doesn't have an issue with the aesthetics outside its size. Whether or not there's a true solution for parking and whether or not the parking across the street would work, there would be no way that the board or the applicant would guarantee that everything would work exactly as intended.

- Ms. Kapferer said she does like the idea of a multi-use on Main Street and they all envision something great for Main Street and this project really brought some of that out. She likes the crosswalk idea to promote pedestrian safety on Main Street. She has shared some of the concerns others have had with parking. She appreciates the effort that they have put in in coming up with different solutions. She would like to see a crosswalk and parking permits for residents.
- Chairman Bagoff said the applicant did everything they could to make it fit. He has reviewed the master plan and listened to the people who live in the neighborhood. Most of their comments are about parking and traffic. One of the things that haven't been addressed is the 900 square foot commercial space. There are no accommodations for parking for everyone that works there. The neighborhood consists of buildings that are smaller. There would be at most 30 people in this building and at least 12. We have to look if this fits with the neighborhood and is it compliant with everything in the zone, yes, it's a mixed-use structure, however, the applicant is asking for variances. Does this fit with a single-family home that was on an oversized lot and now it's a lot that is taking up most of the lot coverage. They have mitigated the storm water runoff by putting a green roof. One of the big things in the negative criteria is, is it going to enhance the zone plan, is it going to make it better for the welfare of the people in the community. There is a bus stop and a school bus stop and there is a commercial space that somebody may park there. The township has agreed to have a permit parking along the street. He has looked at the rear yard setback to the building next to it and it is kind of tight. As they look at each setback, are they doing better in the neighborhood or is it more problematic. He doesn't see that this project fits the neighborhood as the other board members have said already.

PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

GENERAL DISCUSSION

PUBLIC COMMENT

Motion To Deny: Chairman Bagoff

Second: Mr. Guarino

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

Klein: N	
Mayor McCartney: Y	

***The application was denied at the December 11, 2025, Planning Board special meeting. ***

- **PB-24-16 Essex County Country Club**

Block: 156 Lot: 1 Zone: R-2

350 Mount Pleasant Avenue

The applicant, Essex County Country Club proposes a number of improvements to an existing pool house building on the subject site. The improvements include the expansion of a covered walkway, construction of an open-air covered bar area with a grill area, expansion of existing patio, and construction of pergola with seating underneath.

PRESENTATION

- The attorney for the applicant, Lisa John-Basta, stated the site measures approx. 176 acres in size. It is the oldest country club in the state of New Jersey and has been located at this site in West Orange since 1917.
- The property has been built with a golf course and a club house and other structures including a pool house and a pool patio area since 1978.
- The application is to do some renovations to the existing pool house and some improvements within the pool house area.
- The bar that is being proposed is not the primary use and it is also open to the public.
- In the permitted use schedule, there is a clear column that says permitted principle uses, golf course and golf clubhouse. There's another column that says permitted accessory uses which states customary accessory building or structure related to the principal use. The applicant submits the pool house is an accessory use to the principal use of the golf course and golf clubhouse.
- The purpose of notice is to identify the nature of the application to be considered, not if you are going to get a liquor license.
- The attorney also introduced Exhibit A1 Amendment Application Filed 4/09/24 and Exhibit A2 Filing Application Amendment 10/10/24 that were marked during the meeting.
- The notice the applicant submitted states the pavilion is being constructed for a bar seated area. They also included they are continuing to sell alcohol from the premises.
- The golf course itself is licensed to sell alcohol. Both structures, the club house and pool house, are also licensed.

BOARD QUESTIONS

PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

GENERAL DISCUSSION

PUBLIC COMMENT

- Micaela Bennet at 33 Old Indian Road stated a bar is not a permissible use in a R2 zone. According to the board's ordinance, you can only have one use in an R2 zone.
- Ms. Bennet states the ordinance permits as a use a golf course, it permits as a use a golf club house, and it accepts a golf club.
- Ms. Bennet said a bar being built on a golf course is not a use the board should be considering. She states this application belongs before the zoning board.
- She shared that swimming pools are permitted accessory uses as well as recreational facilities but if you look it up in the ordinance it talks about swimming pools in residency, it does not talk about them on a golf course.
- She suggests that a bar is a use not permitted in this zone. She is not suggesting that they can't eventually get permission to do this, she is saying that they are in front of the wrong venue in order to make their argument for why they should be permitted to do so.
- Ms. Bennet provided the board with a copy of the applicant's liquor license that has a sketch of where they are permitted to sell alcohol. She states Ms. John-Basta mistakenly advised the board they can sell alcohol anywhere from the 177 acres. Ms. Bennet said that is not factually accurate, they are allowed to sell alcohol from the location that is sketched within the liquor license. That sketch is within the club house.
- She states the rules require the applicant to be very specific, especially when the sale of alcohol is something that the public should know about.
- She is asking that if the board decides to move forward, that the applicant is required to re notice the public.
- She states the language in the applicant's notice is not specific enough that it leaves without any doubt for the public what they intend to do in that structure.
- She said the board must consider the sale of alcohol when you consider the intended use, otherwise why would it be required by the courts that the applicant must specifically state the intent to sell alcohol.
- Ms. Bennet says the sale of alcohol should be stated.

The Application has been carried to the next Planning Board regular meeting on January 8, 2025, without further notice

Meeting adjourned at 10:37 PM.

ADOPTED:

Jamilet Baquerizo Vite, Board Secretary
Planning Board Secretary