

**DRAFT
MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
January 8, 2025 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on January 8, 2025 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, January 22, 2025 at 7:30 P.M via Zoom.**
- The next Planning Board special meeting will be held **Wednesday, January 29, 2025 at 6:30 P.M in person.**
- The next Planning Board regular meeting will be held **Wednesday, February 5, 2025 at 7:30 P.M via Zoom.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. Ken Alper; Mr. John Cardoza; Mr. William Wilkes; Mr. Lee Klein; Mr. Christopher Morgan, Sr.; Mayor Susan McCartney; Mr. Peter Smeraldo; Council president Bill Rutherford; Ms. Lori Kapferer

ABSENT:

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

SWEARING IN

- The Township Professional(s) sworn in.

APPLICATIONS

- **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.

PRESENTATION

- The attorney for the applicant, Mr. John Dusingberre, stated there is a new condition that was generated by the addition. That is a side yard of 5 feet and 4 inches on the left side of the property where the proposed addition will be located and the slight encroachment of the setback is generated by the need of a 6-foot overhead door for access for the new addition of deliveries and shipping.
- The applicant responded to the comments from the review board and reduced the size of the opening from an 8-foot door to a 6-foot door which has substantially reduced the request in need for relief.
- In terms of pre-existing conditions, they have overall side yard that don't meet the 6-foot requirements on both sides, one is 2 feet 7 in, the other is 5 feet 4 inches which is at the proposed addition.
- They only have one parking space and it is doing double duty as a driveway and a parking space for Mr. Crespo.
- They have an existing driveway with 13 feet and 8 inches where 14 feet are required by ordinance, a slight deviation.
- They have an existing parking space where they are backing directly into the public right of way, which is prohibited by ordinance 25-12.1 F.
- Final pre-existing condition is a parking space should not be less than 5 feet from an adjacent property and if you count the driveway as a parking space it is closer than 5 feet from the adjacent property line.
- The applicant, Mr. Crespo, entered on the record, he was sworn under oath. He testified to the following:
- The business has 3 employees including himself. The hours of operation are 9am-5pm Monday through Friday.
- The business gets 3 deliveries regularly from UPS, the Post Office, and FedEx. For the most part the 1-hour ordinance that is in front of the building keeps it clear, the worst thing that will happen is they will block the driveway if the delivery trucks need more space.
- The owner, Mr. Crespo, states the need of the addition of 2,130 square feet is for an improvement into the efficiency for the employees. Currently they have a manual screen printer but they would bring in an automatic printer. This would allow them to do their jobs a lot quicker and with fewer resources.
- Mr. Crespo also states the addition will help him solidify in keeping his business in West Orange if they were to bring in the automatic printer.
- Mr. Crespo has had his business for 2 ½ years. Employees will do on-street parking and have no trouble with parking. Customers use the 1-hour parking ordinance to keep spaces

free in front of the business.

- There are some trees in the back that are in pretty bad shape and the applicant wants to plant new trees. Options given by the forester, Mr. Kip, are paying the town for replanting or adding trees, at least 2, to the front of the business to add beautification to the town.
- The largest garbage impact they have is cardboard boxes from the deliveries. The majority of the boxes get recycled. They have a light foot print in terms of trash and are bringing a couple of trash bags out once a week and help clean out the alley by putting a public garbage can in the alley.

BOARD QUESTIONS

- Mr. Guarino asked are you aware of the township ordinance for tree removal and tree replacement. Mr. Crespo said yes, he is and has talked to Mr. Kip several times for business needs and personal needs for his house.
- Mr. Guarino asked how is the cardboard trash maintained when its not being put out for collection. Mr. Crespo said he keeps them inside, folds up the boxes, and keeps them in the corner until recycling day.
- Mr. Guarino asked if there are any hazardous material from the printing business that needs to be disposed of. Mr. Crespo said no
- Mr. Guarino asked the new section that is being added and would be interested in adding a green roof or solar panels. Mr. Crespo said he has been talking to a solar panel engineer for the past year and he has a proposal they will be working through.
- Mr. Guarino asked have you had any discussion with the downtown West Orange alliance about any façade improvements or advertising materials on the building staying within the code of the downtown alliance. Mr. Crespo said yes and he is on the downtown alliance board.
- Ms. Kapferer asked if Mr. Crespo has had any conversations with his neighbors about the plan improvements. Mr. Crespo said yes and is in support of the improvements.

PROFESSIONALS QUESTIONS

- Mr. Haizel asked are there any concerns expressed by Mr. Kip about any trees that might be constricting to the sidewalk. Mr. Crespo said the sidewalk itself has removable pavers to put the trees in. The trees would grow up, won't spread roots, and grow leaves at an acceptable height that will not impact walking space or cars trying to park.

PUBLIC QUESTIONS

GENERAL DISCUSSION

PRESENTATION

- The architect, Joseph Haines, entered on the record, he was sworn under oath. His credentials were accepted by the board and he testified to the following:
- The property is located in a B1 zone. To the south side, there is a mixed-use building that has a liquor store, a florist, and apartments. To the north side, there is an auto repair shop.
- Surrounding the rear of the property, there is a one-family home and a two-family home.
- The proposed addition will be attached to the rear end of the building.
- On the north side they are proposing a 6-foot 3 inches' side yard setback. The rear yard setback would be 30 feet 10 inches.
- The variance they are looking for is on the side yard setback on the south side where they

have a 5-foot 4 inches side yard setback but 6 feet is required.

- Originally the south side yard setback was at 3 feet 4 inches but they increased it by 2 feet by reducing the doors going into the rear addition. This allowed them to do additional grading on the side.
- Once they increased the side setback, they introduced a low retaining wall approx. 2 feet high. This will let them grade the side property so that no water will run into the neighbors' property retain any runoff they have and release it slowly towards the driveway.
- They are trying to maintain the rear end of the property as it exists. It is heavily vegetated and are keeping the trees in that area. They are removing 4 trees due to the addition.
- The building has an existing basement and the uses will remain the same.
- The entrance will be on the south corner of the building and the existing workspace will remain the same.
- Mr. Crespo's office will be towards the back of the building behind the retail/entry space and will create an ADA bathroom. The opening to the new addition will be in the same area.
- They will be adding windows to the side of the addition to let light in.
- On the front side of the property, since they reduced the size of the door going into the new addition from 8 feet to 6 feet, they added a canopy. Originally, they were going to have the van for deliveries back into the opening during inclement weather but since they reduced the size, they added a canopy for protection when loading up the van.
- They are keeping both entrances to the basement the same
- The design complies with all fire codes and will be ADA-compliant.
- There is a minor concrete wall that will be removed on the south side of the property outside that was put up to hold up the dry land. Now they are proposing to put a new retaining wall where it is that goes up the property line.
- There will be no signage on the side of the building at this time.
- There is no proposal to fence any of the subject property.
- They are keeping the window in the basement towards the north side and closing the other window towards the south side for the new addition.
- Their drainage proposal is to collect the rainwater, run it through the building, and connect it to the existing system that discharges out to the street.
- They are not proposing any storm retention at this time because on the property its hard to do that. The neighbor to the south is low and storing water will not help. The best way for the project would be to collect it and then bring it out to the street.
- Due to a slope in the yard, they will have to remove soil where the grade slopes up.
- Even though there is no requirement for a soil, erosion, and sediment control permit, they agree to provide a soil, erosion, and sediment control plan documenting measures to protect this site.
- They are keeping the two existing lights in the driveway. No proposal for additional lights. The lights are sufficient enough for deliveries in the evening.
- The architect states there is adequate space to place the tree pits on the pavers on the sidewalk. The distance from the front of the building to the pavers is approx. 5 feet.
- The applicant will agree to clean and televise existing roof drainage laterals to be reused prior to construction.
- There is no need to construct above or below-grade improvements for utility services.

BOARD QUESTIONS

- Mr. Guarino asked will there be any signage letting pedestrians know there is an active driveway. Mr. Haines said they are not proposing it at this time. Mr. Crespo also added that he already has a 24/7 active driveway sign.
- Mayor McCartney asked if there is an emergency exit or rear doors. Mr. Haines said there is a door they are proposing that leads to the driveway. Other means of egress are the three doors on the front and the rear entrance.
- Mayor McCartney asked if they are recommending any exterior cameras. Mr. Crespo said he already has cameras.
- Mr. Alper asked any thought to making the driveway a permeable surface. Mr. Haines said there was no thought of that.
- Mr. Alper asked if solar panels don't work out, if is there a possibility of a green roof. Mr. Haines said they have not contemplated that but if solar panels don't work out, they will think about it.
- Mr. Smeraldo asked is there a fire detection system in the basement. Mr. Haines said there is currently a fire alarm system in the building.
- Mr. Smeraldo asked if you are going to put solar panels, and what is the roof construction going to be of. Mr. Haines said they haven't done construction drawings yet. They will make it adequate enough to handle solar panels. The walls will be made out of concrete blocks.
- Mr. Smeraldo asked if the materials that are being used in the business flammable. Mr. Crespo said they primarily use water-based material but they do use acetone to clean.
- Mr. Smeraldo asked is it possible to put a door towards the rear end of the new addition. Mr. Haines said they could include a door to the rear corner towards the south side.
- Ms. Kapferer asked regarding the stormwater management, was there any outreach to the town engineer related to connecting into the Harrison Ave system? Mr. Haines said they sent their proposal out but haven't heard any comment on it.

PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

GENERAL DISCUSSION

PRESENTATION

- The planner, Anthony Marucci, entered on the record, he was sworn under oath. His credentials were accepted by the board and he testified to the following:
- The only possibility to expand the use of this building is to expand in the rear of the property.
- The applicant complied with the recommendations of the SPRAB meeting that was held in October, that significantly increased the side yard and decreased the variance. Original design was to have a 3.33 feet side yard and now its going to be a 5.33 feet side yard so the variance is only going to be 8 inches.
- The need for the variances is due to a proposal of a 6-foot-wide door to access the space in the rear, to bring in the equipment, and delivering of raw materials and finished products.
- In terms of parking, there are 3 employees including the owner and they have utilized the site for a number of years with the 1 parking they have today and it doesn't interfere with overnight residential parking; the planner states there is no problem with the parking variance.
- The variances could be granted under the C2 criteria special reason. The special reason is

the fact that this is an established business that wants to remain here. Without expansion, the business may need to leave the community.

- Since there are no additional employees, the site doesn't require additional parking.
- In terms of desirable visual impact, the architect showed that you are only going to see a very small portion of the new addition from the street.
- In terms of the negative criteria, in the planners' opinion, there is no substantial detriment to the public good and there is no substantial impediment of the zone planner of the zoning ordinance.

BOARD QUESTIONS

- Ms. Scarpa asked given that a lot of the area downtown is in a flood zone, would it help mitigate that by planting more trees with a deeper root system in front of the property. Mr. Crespo said that after speaking with the forester, Mr. Kip, he did not want the deep-rooted trees there.

PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

GENERAL DISCUSSION

PUBLIC COMMENT

Motion: Chairman Bagoff

Second: Mayor McCartney

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

- **PB-24-13 IMMC Health**

993 Pleasant Valley Way

Block: 172.02 Lot: 6 Zone: B-2

The applicant proposes a second story addition to an existing 1-story commercial building.

PRESENTATION

- The attorney for the applicant, Mr. Keith Loughlin, states the 2nd story will include a one-bedroom dwelling unit for the applicants' use only, a business office, and storage space in the rear, while the first-floor medical office will stay as is.
- The proposed mixed-use development is permitted as a conditional use in the B2 zone district.

- Additional related improvements to lighting, landscaping, parking, and signage are proposed.
- The applicant is seeking the following bulk variances within this application: maximum lot coverage where 60% is permitted, 82% is existing and 75.73% is proposed, the number of parking spaces where 25 is required for mixed used, 21 spaces is existing and proposed with a shared parking arrangement and there is no change.
- The application is also requesting variances relief for the following pre-existing non conforming site conditions:
 - Location of parking spaces; the ordinance permits off street parking inside or in the rear yard only, the property includes front yard parking spaces and that will not change.
 - Minimum front yard setback, where 30 feet is required, 9.64 feet is existing and proposed, no change.
 - Minimum side yard corner, where 25 feet is required, 14.46 is existing and proposed, no change
 - Minimum side yard buffer where 50 feet is required 48.5 feet is existing and propose, no change.
- The architect, William Gentile, entered on the record, he was sworn under oath. His credentials were accepted by the board and he testified to the following:
 - There are two entrances into the property, one from Pleasant Valley Way and the other from Mount Pleasant Avenue. There is also parking spaces around the perimeter.
 - There is a fire lane that was required from the previous C2 variance.
 - On the first floor, there will be a section cut out for vertical access to the second floor.
 - The second floor will come out from the eastern floor and it will be entering into a business office and an accounting office that will be use for the purposes of the medial office below. The employees are the occupants of this space.
 - The rest of the second floor will be a residential space. There will be an open deck to meet the setback requirements on the second floor.
 - It is standard living conditions where there is a living area, bathroom, kitchen, and bedroom, with a rear exit for the doctor to access below without going outside.
 - The rest of the space is storage for records.
 - The height of the building is not going to exceed the limit. Right now, it is anticipated to be just under 30 feet tall.
 - They are going to be building on top of the existing walls and extending it upwards.
 - There is no obstruction for visibility from either driveway on the property.
 - They plan on doing a survey at the end of the project when the entire project is complete to make sure it is an accurate survey.
 - There will be some removal, particularly in the area of the asphalt, that will change the landscaping once the second floor has been completed.
 - There is just about 296 square feet of soil disturbance and that will be the extent to it.
 - There was a parking space that was identified as a compact parking space and they have since identified it as a full-size parking area.
 - The other 4 compact parking spaces are for staff only.
 - The parking will need to be re-stripped.
 - Regarding the site plan, there are several items that were not implemented as of yet, which are landscaping, trash area, and signage. These will be completed as part of the final site plan when the construction is completed.
 - In terms of turning radius for the emergency vehicle, they have received the size of the truck, which is a 40-foot ladder truck and were given the radius of turning.

- The parking lot is in need of serious repair which is planned and the parking lot will be restriped.
- They have identified the size and symbols of the handicap parking space in addition to the mounting of the sign and addition to the sign itself.
- As far as ADA access, the access way is clear, there is a minimum slope to the front door, there are powered assist door openers, handicap restrooms throughout the building, and wide corridors.
- There is a retaining wall that has a difference of elevation between the adjacent property. There was a timber wall that was originally there that was deteriorating over the years and they have replaced it as part of the C2 variance that they already received approval on.
- Another thing that was not completed was a whole series of Belgian block. They haven't completed this due to having to tear up the driveway in the parking area to implement that.
- Regarding the parking situation, there are 21 spaces. The way it was calculated was based on the square footage that they needed for medical which required 1 per 150 feet.
- Moving upstairs, the business office would only require 1 space for 250 square feet, so this would reduce the number of parking spaces required for the business end of it.
- Residents of the property would take advantage of the code that provides shared parking and this would eventually lead them back to the 21 spaces they currently have.
- There will no monument signs or billboard signs. The building will contain signage and they will be addressing that as the second floor gets -built. They will be in accordance with the sign ordinance.
- They are looking into having an engineer help them obtain the proper drainage and the flow to keep it away from the entrance and drain it properly off the site.
- In terms of site lighting, the building currently has edge lighting attached to the building that illuminates the perimeter of the building. This lighting will be removed and reinstalled to the 18th foot level.
- There is some additional lighting that is generated from light poles that illuminates the parking lot.
- On the Mount Pleasant Avenue entrance there isn't adequate lighting. They are looking into putting lights, maybe solar paneled, at either side of the entrance to provide more illumination.
- They will be cleaning out the sanitary drain and the storm drains that go out and connect to the street. They will be connecting roof drains that will come from the second story and connecting to the same pipes that drain into the storm system.

BOARD QUESTIONS

- Chairman Bagoff asked if they are going to put the additional Belgian blocks. Mr. Gentile said they have been instructed to do so but they prefer not to.
- Mayor McCartney asked if there is any way to clarify the sign that says IMMC in front of the property. Mr. Loughlin said IMMC stands for Internal Metabolic Medical Center and that they will consider it in a future signage application.
- Mayor McCartney asked if they are zoned for residential space and is that the variance that is being asked for. Mr. Gentile said this is a conditional use within the B2 zone for residential dwellings.
- Ms. Kapferer asked if they could confirm that there is going to be signage that indicates that it's a right turn only at both of the egress points. Mr. Gentile said it is already noted in the drawing where the signage would be.

PROFESSIONALS QUESTIONS

- Mr. Haizel asked, in terms of the cars cutting through using the parking lot as a shortcut, have you come up with any possible remedies to that situation. Mr. Gentile said it is still being analyzed and they are still trying to find the most appropriate way to handle this.

PUBLIC QUESTIONS

GENERAL DISCUSSION

GENERAL DISCUSSION

PUBLIC COMMENT

Motion: Chairman Bagoff

Second: Mr. Guarino

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

- **PB-24-15 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 a pergola with seating underneath.

PRESENTATION

- The attorney for the applicant, Ms. Lisa A. John-Basta, stated that this is a fully conforming application with one minor variance related to the height of the accessory pool house structure which they are requesting to be 2.5 feet over what is allowed by code.
- The civil engineer, Paul Calabrese, entered on the record, he was sworn under oath. His credentials were accepted by the board and he testified to the following:
- The overall property is 176.83 acres. It's a golf course, there's a club house, it includes a maintenance facility, pool building, and a pool complex.
- The location of the pool is over 236 feet away from the property line, which is more than far enough for the rear yard setback requirement of 45 feet.
- The nearest residential property is 1,800 feet away.

- The property is located in the R2 zoning district where the existing and proposed uses are permitted.
- There is an existing pool and pool building onsite. There are 6 canopy structures and a kiddie pool.
- The project is for the renovation and improvement of the space
- Right now, there is a patio around the pool.
- The proposed improvements include an increase of the patio area around the pool to provide more seating.
- They are relocating the existing canopies to different location for aesthetic and shading.
- They are adding new walkways and ADA access to get to the pool building and get around the pool.
- They are adding new pergola structures that will have seating.
- They are looking to add a formalized outdoor bar and grill structure with seating.
- The existing pool building will have interior renovations with kitchen upgrades and a new roof line to modernize the building look.
- They are proposing adding 3 new ornamental trees, 41 shrubs, and 107 perennials outside the pool area or fenced area.
- Inside the pool area, they are adding 10 trees, 86 shrubs, 17 ornamental grasses, and 30 perennials.
- The application and proposal are meeting the minimum requirements of the zoning code related to setback and it is also below the maximum for impervious coverage.
- The parking lot has been paved and the curbing has been installed.
- The parking lot lighting has not been installed but will be installed next week.
- The gate around the pool will have an ADA accessible gate closure.
- The work service to the pool building already exists and that will be reutilized for utilities services.
- Electric has been brought down to the pool and gas is already at the building.
- In terms of sanitary drain, connection will be made from the bar area and will connect to the new pump station that will be installed in the spring to replace the integrated subject system.
- No trees will be removed.

BOARD QUESTIONS

- Ms. Kapferer asked can you confirm that the trees and other landscaping that are being planted are native species. Mr. Calabrese said he believes so and he will confirm with the landscaping architect.

PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

GENERAL DISCUSSION

PRESENTATION

- The architect, Jeff Rawding, entered on the record, he was sworn under oath. His credentials were accepted by the board and he testified to the following:
- They are proposing some interior renovation such as the kitchen with new equipment, renovating the existing bathroom and locker area with new finishes.
- Physically, there is going to be no additional interior space added to the building.
- They are creating an outdoor space with an extended roof for the purposes of food

pickup. There is going to be a food window so that members can grab their food.

- They are proposing a gazebo area with a bar beneath it. The bar will seat 21 people and it will be a full-service bar. There will also be a chair rail that will allow for more seating.
- They are proposing a trellis on the left side of the pool.
- They are adding a gable to the building facing the pool side. They are proposing to exceed the ridge of the building by 2.2 feet above the existing ridge to make it 17.2. The reason for this is to maintain the same architectural pitch as the pool house itself.
- The gazebo will be physically connected to the existing building to the left and you can walk into it via the cover of the porch, so that you don't have to go out and in.
- There will be a decorative rail up above the one-story porch that runs around the face.
- They are proposing new windows and new sidings.

BOARD QUESTIONS

- Mr. Smeraldo asked what new equipment will be in the kitchen. Mr. Rawding said there will be a new exhaust and a new hood
- Mr. Smeraldo asked if the food will be brought to the bar area and not cooked there. Mr. Rawding said correct.

PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

GENERAL DISCUSSION

PRESENTATION

- The planner, Michael Pessolano, entered on the record, he was sworn under oath. His credentials were accepted by the board and he testified to the following:
- They have a simple height variance for an accessory structure of a nominal nature.
- It meets the criteria for a C2 variance to be granted.
- This application would advance 2 purposes of municipal land use law.
- One, to promote a desirable visual environment with the architectural integrity and consistency
- Two, to provide appropriate location for recreation uses to meet the needs of the state citizens.
- This is an appropriate location and not visible to the surrounding community at all.
- There is no substantial detriment to the public good.
- The master plan encourages the continuation and support of these types of facilities in the township.

BOARD QUESTIONS

PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

GENERAL DISCUSSION

PUBLIC COMMENT

Motion: Chairman Bagoff

Second: Mr. Smeraldo

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

Meeting adjourned at 11:10 PM.

ADOPTED:

Jamilet Baquerizo Vite
Planning Board Secretary

