

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

The Township of West Orange Planning Board held its regular meeting on May 7, 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 regular meeting will be held

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; Councilwoman Susan Scarpa; Ms. Lori Kapferer

ABSENT:

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

MINUTES & RESOLUTIONS

[PB-24-19-TheWayMaker-LLC---40-Eagle-Ridge-Way---Draft-Resolution](#)

Motion: Chairman Bagoff

Second: Mr. Guarino

Alper: Y	Morgan: ---
Bagoff: Y	Scarpa: Y
Cardoza (Alt.2): Y	Smeraldo: ----

Guarino: Y	Wilkes: Y
Kapferer: ---	
Klein: Y	
Mayor McCartney: Y	

[1-22-25-WO-PB-Draft-Minutes](#)

Motion: Chairman Bagoff

Second: Mr. Guarino

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

SWEARING IN

- The Township Professional(s) sworn in.

ORDINANCE REVIEW

[2918-25-STORMWATER-4825-Revised---Final](#)

[M_PB-Stormwater-Control-Ordinance](#)

[Stormwater-Ordinance-Amendment---2918-25---Master-Plan-Consistency-Review](#)

- The board planner, Mr. Haizel, entered on the record and stated that he reviewed the ordinance and found that it is consistent with the Master Plan.

Motion: Chairman Bagoff

Second: Mr. Councilwoman Scarpa

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

Klein:	Y	
Mayor McCartney:	Y	

APPLICATIONS

- **PB-24-14 172-174 Main Street LLC**

Block: 83 Lot: 1&5.01 Zone: B-1

172-174 Main Street

The applicant, 172-174 Main Street, LLC, proposes to construct a 3rd floor addition to an existing 2- story building and convert the building to a mixed-use building. The proposed mixed-use building will contain 2,824-SF of office space on the 1st floor and a total of seven (7) residential units on the 2nd and 3rd floor. Additionally, twenty-six (26) existing on-site parking spaces will also be provided.

PRESENTATION

- The attorney, Mr. Tyler Zeberl, on behalf of the applicant went over the main points that were discussed in their first hearing on February 5th.
- At the first meeting, Mr. Cox, the representative and owner of 172-174 Main Street, LLC provided some testimony about his plan for the property.
- He wants to add a third story and convert the building to a mixed use with two office spaces on the first floor and seven residential units divided between the second and third floors, one of which will be income restricted.
- He also offered some testimony regarding the renovations inside and out of the building.
- The architect, Jason Peist, went into the specifics of the project, that all of the mechanical features are going to be upgraded to modern mechanical appliances, air conditioners, all of which are going to be quieter.
- The building's going to be completely renovated outside. It's going to be completely renovated to look much more modern and consistent with what the downtown area is supposed to look like under the master plan.
- Mr. Peist also offered some testimony regarding the building height, which is 34.5 feet, where 35 is permitted in the zone.
- He explained that the only reason they are here before the board is because they're requesting a variance for the third story and existing non-conforming bulk variances.
- Mr. Peist also showed some elevations of what the building's expected to look like.
- The professional engineer, Donna Bullock, explained about the sight lines, that there's clear view in each direction.
- She also explained that this is an existing approved parking lot. The entrances are existing. They're approved so nothing's going to be changing there.
- There was a number of concerns raised by the public regarding the increased traffic. Patrick Downey, their traffic engineer, was retained and he presented some calculations.
- In summary, this proposed mixed use is going to generate less trips than the existing two-story commercial office use.
- At the last meeting, they had finished up with their professional planner, John McDonough. He showed a number of photographs of the building taken by drone.
- One of which is the front of the building, the surrounding area, and he explained that the

surrounding areas consists of large two and a half story structures, many of which are raised above the ground level.

- There are also three story buildings directly across the street.
- Mr. McDonough also offered testimony that the project fully complies with the use requirements of the zone and substantially complies with the requirements such as height, parking, et cetera.
- Mr. McDonough also offered some testimony regarding the relief for the rear yard setback and coverage, both of which are pre-existing conditions that constitute a hardship under the flexible C variance and the Hawrylo case.
- Mr. McDonough offered some testimony regarding the purposes of zoning under the MLUL, which are advanced by this application. Purpose A in which the general welfare is advanced by renovating, repurposing, revitalizing a longstanding familiar building. It'll add new housing for people to live in and new businesses for people to shop at, work at, et cetera.
- They would promote Purpose G, which is a promotion of various variety of uses in appropriate locations because the site is a civic center. He testified that it's good planning to concentrate people in the downtown setting with easy access to civic and public amenities.
- Purpose I, the promotion of a desirable visual environment because the project delivers a fresh new renovated building as opposed to a dilapidated building and it complements the area. It does go with the building that's directly across the street, the three-story building.
- He also discussed Purpose M, the promotion of efficient use of land and that's what this project is doing. They're adapting the existing use. They're reusing the property, renovating and altering it, which is really the central purpose of planning.
- Mr. McDonough also testified as to alternate uses that are permitted in the zone that would be less desirable, such as a bar or something of that sort, which they find would be more disruptive to the area. So the applicant is proposing something that's much less intensive.
- In connection with the detriments, Mr. McDonough offered testimony that he didn't believe there were any, because the relief that's being sought is not causing any detriments.
- They're upgrading the building and it's improving the relationships on Main Street and the homes that surround it.
- The added story does not require height variance. It's in line with the buildings that are surrounding it.
- The departure from what is contemplated and permitted in this zone is not substantial. His testimony was that the site is sunken down in relation to the adjoining residential uses, and everything kind of slopes down in that area.
- There are quite a few existing trees that go up into the area where this third store would be, which is going to provide that additional natural buffer.
- In summary, the flexible C variance relief is appropriate, because the benefits of this proposed project as a whole substantially outweigh the detriments.
- They did have some concerns from adjoining property owners and from the board, questioning the privacy on the adjoining properties and aesthetics. Mr. McDonough and Mr. Peist are here tonight to answer any questions in connection with the aesthetic concerns.
- In terms of privacy, Mr. Zeberl spoke to his client. They're willing to agree to a condition of approval on that third story where they would put in the privacy film on the window so that'll further mitigate these concerns that have been raised by neighbors.

- To sum up, Mr. Zeberl, stated we've heard from a number of experts, their professional planner, professional engineer, professional architect, and traffic engineer who have all provided testimony to the effect that this application satisfies the requirements for the granting of a C variance under the flexible C balancing test as the benefits substantially outweigh the detriments.
- The applicant asked this board to grant their application permitting the addition of a third story subject to the conditions that they had discussed previously.

BOARD QUESTIONS

- Mr. Klein asked is it possible, even though it's not the applicant's property, to put some landscaping on the neighbor's property to do some natural screening. Mr. Zeberl said that they have some difficulty in terms of, one, they're not legally permitted to do anything on somebody else's property and that they have such a small amount of space behind that building.

NO PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

- Mr. Sweeny asked Mr. McDonough what's the difference in the elevation between the sidewalk, elevation on land, and the first floor. Mr. McDonough said he doesn't know.
- Mr. Sweeny asked Mr. McDonough is the site walkable. Mr. McDonough said yes, the site is walkable.
- Mr. Sweeny asked Mr. McDonough what the slope is of the parking lot. Mr. McDonough said he doesn't know. Mr. Zeberl added that it is 18 feet, not the slope but the elevation.
- Mr. Sweeny asked Mr. McDonough that the building would only be increased by 34.5 feet, is that measured from the mean height of the building. Mr. McDonough said it's measured in accordance with the ordinance.
- Mr. Sweeny asked what's the difference between the mean height and the base of that wall. Mr. McDonough said he doesn't know; he didn't conduct a measurement.
- Mr. Sweeny asked essentially from the front, the building would look like it's 40 feet high or equivalent to four stories. Mr. McDonough said that is not accurate, under the letter of the ordinance, it's a three-story building.
- Mr. Sweeny asked Mr. McDonald if he has walked from Lakeside Avenue to Charles Street along Main Street. Mr. McDonough said he has walked several streets in front of the site.
- Mr. Sweeny asked if Mr. McDonough noticed that this lot is completely different from every other lot and it has a very long, very huge parking lot in front of the building, very unattractive, and very steep slope. Mr. McDonough said he'll answer the first question in the affirmative that he did notice that the site is distinctly different than other properties along the corridor.
- Mr. Sweeny asked Mr. McDonough if he noticed that the mass of the building was disproportionate to the adjacent buildings or any other building on that side of the street. Mr. McDonough said no.
- Mr. Sweeny asked Mr. McDonough if he views that the approval of this will result in permanent, essentially, fixing that unattractive lot in the way that it appears now, in a way that's inconsistent with all the other downtown properties in the area on that side of the street, or even across the street. Mr. McDonough said no.

OBJECTOR PROFESSIONAL PRESENTATION

- The licensed planner, Peter Steck, entered on the record, he was sworn under oath and his credentials were accepted by the board. He testified to the following:
- Mr. Steck listened to the last hearing and reviewed the application materials. He also toured the property and the surrounding area, took some photos and reviewed the master plan and the zoning ordinance.
- Mr. Steck presented Exhibit O4 that he prepared, which is dated May 6th of 2025.
- On Page 1 on the upper left-hand corner is a portion of the zoning map. The B1 zone goes along Main Street. It is primarily residential, most of the uses are residential.
- Older housing units, most of them are up close to the street. They have kind of classic residential looks with sloping roofs. Very few have on-site parking, so they use Main Street for a parking resource.
- Page 1 also shows the subject property from a Google aerial view. Mr. Steck outlined it in yellow.
- The placement of the building is highly unusual for the B1 zone. It's the only building in the area in that zone that's a box. It's the only pure office building there.
- It's the only building that has the parking field in front. It's the only building that is set that far back from the front property line. So it's an unusual look, an unusual shape, and an unusual placement.
- On Page 2 of O4, on the left-hand side, Mr. Steck superimpose the zoning lines on a 2020 infrared satellite photo, subject property is in yellow. To the rear is Llewellyn Park. That's an R1 zone across Main Street and three properties.
- The fourth property to the northeast are parts of the redevelopment area zone. On the left-hand side, Mr. Steck put the names of certain property owners.
- Mr. Steck clients are Jonathan and Amanda Barton. To the north of there is Sophia Lubin and Eric Buckley. And also sharing the rear yard is the Donna Uher property.
- To the right on Page 2 shows, from the NJDEP website, the historic nature of the area. Llewellyn Park is on the National Register and the State Register. To the north is the Edison National Historic Site.
- Across the way, where the new conversion has occurred, is a, at least a proposed on the national level, a historic district.
- The subject property is not referenced as historic. The blue color, according to NJDEP, says it's eligible to be designated as historic.
- On Page 3 of O4, is a drone photo of the subject property. It shows the character of the building, basically a box with vertical lines and a faux mansard roof. It's leased for the parking of trucks at the moment.
- The blue house in the upper right hand corner is the Barton house.
- On Page 4 of O4 are photographs that Mr. Steck took on this year. March 7th of The upper photograph is from the second story of the Barton residence. So that second story, when you look out the window, is even with the current roof of the property now.
- You can see the buildings across the street and the tree line in the distance. That accessory shed on the right is also on the Barton property, as is the wood frame garage left of center.
- On the lower left of Page 4 is a picture of the rear of the subject property. There is only a narrow area, as the board is aware. And then there is a retaining wall. And so the residential yards are higher than the grade in the building.
- On the right hand side of Page 4 is a picture that Mr. Steck took on March 7th of this year. But he superimposed from another photograph that was taken by one of the Barton's to show the existing shadow pattern at 9 AM on February 10th.

- What Mr. Steck did is superimpose in a red line where the shadow falls at 9 AM. This is without the third story going on. Mr. Steck states because the shadow pattern typically goes to the north, there is obviously an impact. And it will be a more severe impact when another story is added.
- In terms of the backyard of the Barton's, there's one small evergreen that's in the left of center. But there's essentially no screening in the wintertime and the trees are fairly old.
- In Mr. Steck's opinion, there is no effective screening at the moment that blocks the subject building from the Barton property.
- On Page 5, shows 2 photographs from the view of Mr. Steck in his car as if he was driving out of the driveway. There's been a lot of discussion about this sight line.
- Since Mr. Steck has an SUV, his eye height is probably four feet, five inches off the ground rather than the 3.5 feet. But because there are so few parking spaces on site for the residential uses, Mr. Steck has never been by there where the curb line is free of cars.
- Below those photographs is a sight line exhibit that the applicant's engineer has presented.
- The sight line that's required to be shown is highlighted in red. The rectangle to the left is where a car would be positioned. But the applicant's engineer said those cars are movable so there aren't always going to be there.
- Even on the applicant's diagram, you have to look through six cars in order to get the sight distance that is recommended to see a car coming.
- The sight line is difficult because there are always cars, in Mr. Steck's judgment, parked along the curb line. That's both looking to the left and to the right as you're leaving the site. And during rush hour in the evening, typically there's a backup of cars.
- Mr. Steck states that if you're going to leave this property and turn left, oftentimes there are times where you have to wait for a courtesy gap. So it's not that there can't be any development on the property, but more intensive development has to, in his opinion, meet the negative criteria. And part of that is the level of traffic activity and the difficulty of seeing cars that are in the through lane.
- Mr. Steck went over the sum and substance of his testimony before going to Page 6.
- This property is already non-conforming because it has excessive pavement.
- It has a significant violation of the rear setback, as well as the rear buffer. And it has parking that is, at least by county standards, too close to the front right-of-way. The county site plan resolution says you shouldn't have cars backing up within 20 feet of the right-of-way of Main Street. So there are significant non-conformities at the moment.
- The applicant has more building than they're entitled to. So when Mr. McDonough says there's a hardship, the answer is this building couldn't be built today, and Mr. Steck is not sure they would get the same amount of square footage.
- If you conform to the impervious coverage, that would shrink some of the parking. There's not a hardship due to existing conditions, because the applicant has more building than they're entitled to today, in Mr. Steck's judgment, looking at the limits on impervious coverage.
- The applicant wants to put on a third story, having the same footprint as the rest of the building, which is 3,303 square feet.
- The applicant wants to convert the first floor left for medical office use, which produces about 9.57 parking spaces. Mr. Steck notes that both the traffic report and the architect's plans used a generic multiplier for the office space, but it's higher, and that's statistically true for the medical office space. That's one space per 150 square feet.
- There was a lot of debate last time about how much parking is really required, and it's clear that the applicant has to rely on some kind of shared parking, even though the

applicant says they'll have limit residential tenants to one parking space.

- There still has to be a place for guests to park and the difficult day is Saturday. That's when the medical offices are going to be open and that's the day when a lot of people don't work. So it's not clear, in Mr. Steck's opinion, that the applicant has met its burden in terms of the supply of parking.
- Part of Mr. Steck's analysis was to look at the surrounding area. This is a fully developed area. This building is unique, and it's the reverse of what is normally required.
- If you look at the design standards, you're supposed to have a building that's up toward the street to have pedestrian traffic. If that was the case, there'd be parking in the rear, and in Mr. Steck's opinion, that's the appropriate scenario because that parking would be depressed in elevation, and it could be buffered, but the building can't be buffered.
- There are historic characteristics of the area that ought to be taken into account. In 2019, the re-examination report recommended that the zone be changed from OB1 to B1, and the rationale was consistent with existing land uses and desired future use. To be consistent with land uses, it would be a dwelling or a multiple dwelling up toward the front.
- Mr. Steck took a look at the downtown alliance designs guidelines that are in the ordinance, and it says that roof shapes should be like the surrounding structures. The new building, any new building, in this case, is the third floor, would have the same relative placement as other structures in the area.
- It says that new construction ought to respect the established rhythms of the streetscape, and you should use materials that are common in the area. So for someone to say that this is consistent with the area, in Mr. Steck's opinion, is not correct.
- Mr. Steck went over 2 definitions from the ordinance. One is what a mixed-use development is, and it says a building or buildings that include one or more dwelling units above one or more non-residential uses on the ground floor. So Mr. McDonough says the master plan encourages a mixed use, and the zoning ordinance has it as a conditional use, and a mixed use doesn't say you need seven dwelling units. A mixed use says as long as you have a dwelling unit on the second floor, that's a mixed use.
- If the applicant didn't construct a third story, and had three or four dwelling units on the second story, that's a mixed use, and that's one that is encouraged by the zoning ordinance. There's also a definition of a mixed use, it shall mean the dual use of a single parcel of land, all parking, yard, buffer, and other requirements applicable to each individual use shall be applied to the combined use.
- Mr. Steck thinks that relates to the issue of whether a density variance is needed.
- The burden is on the applicant to provide testimony, and so Mr. Steck reviewed briefly Mr. McDonough's testimony, and said why he respectfully disagree with what he says.
- Mr. McDonough first says that because the third story meets the linear height limit, that the only variance they need is for the number of stories.
- Mr. Steck believes that's wrong. The back 30 feet of the property is supposed to have a building height of zero feet. There's not supposed to be a building there.
- In addition to needing a variance for the third story, the applicant needs a linear height variance for the back 30 feet of the property. Mr. Steck said Mr. McDonough was silent on that part. He only had the statement that the only variance in terms of height was the third story instead of two and a half stories, and Mr. Steck said that's incorrect because there's not supposed to be any height in the back 30 feet.
- Mr. McDonough said that the downslope of the property mitigates the variance here. On the lower left-hand side of Page 6, visually, and again, the land slopes downward, but visually from the pavement in front of the building and at the bottom of that retaining

wall to the parapet is 40.7 feet, much more than the 35 feet that is the average. And that's what faces the public, even though you can't see this building very easily.

- Mr. Steck states that the applicant's attorney said, that you start about 18 feet higher, and Mr. Steck calculated 15 feet higher than the sidewalk. Therefore, when you're standing on the sidewalk, looking toward the top of this building as proposed, it's 15 feet plus 40 feet. The buildings across the street to the very top of the parapet are about 47.5 feet, but again, they start at the street level.
- While these might be comparable in terms of height, just looking at the facade, Mr. Steck states this is actually significantly taller in terms of elevation above sea level.
- The slope downward is a steep slope, it's about 12%. And that's an uncomfortable slope for parking areas, because that means when you open the door on the side of your car, it's going to go all the way out and potentially hit the car next to you. If you're opening the door uphill, it's going to be a little difficult.
- Mr. McDonough says that the building acts as a buffer to the rear. Mr. Steck doesn't agree with that. The ordinance says that a buffer is a vegetated area.
- To suggest that this building is some kind of a buffer is absurd in Mr. Steck's opinion, because it casts a shadow, it has a presence, and you might mitigate some of the privacy, but it's still there.
- People are going to be able to open windows in the summertime potentially. There is a crowding, blockage of light air and open space that the neighbors to the rear should rely upon.
- The building already violates that, but in Mr. Steck's opinion, adding another story is further an intrusion into what the ordinance wants.
- To say that the property owners to the rear ought to provide the buffer, that's not what the ordinance intended. And Mr. Steck asked why should someone that has an open rear yard that wants a play area for the kids have to eat up part of the rear yard with landscaping that benefits someone else.
- The master plan encourages mixed use. Mr. McDonough said that multiple times. But Mr. Steck said mixed use doesn't mean a third story with seven dwelling units. Mixed use says a two-story building with one to four dwelling units on the second floor.
- On the upper left-hand side on Page 6, Mr. Steck described what a buffer is in the ordinance, and it says a buffer strip shall be planted and maintained in perpetuity with trees and shrubbery of such sizes and densities as to adequately screen the building from such a budding residential district or use.
- There is zero screening on this property, and it's not going to be possible to plant there to block the offensiveness of the third floor.
- On the lower right-hand of Page 6, Mr. Steck has a quote from the International Building Code, the New Jersey edition, and it says that when you have three or more stories and the footprint is more than 3,000 square feet, which is the case here, it's 3,303, you're required to have an elevator. The plans don't show an elevator, which means there got to be changes to this unless the applicant takes off the third story.
- Mr. Steck states this building will be required to have an elevator, and that's not on the plans, that hasn't been discussed, that unless the applicant is going to dig into the ground, that's going to have an elevator override on the roof, which obviously adds to the visual impact of what's going on.
- Mr. McDonough says that the density standard, which is a maximum of four units, doesn't apply because it's not listed in the conditional use requirements. But Mr. Steck said that the conditional use requirements don't talk about building height, about impervious coverage, or about setbacks. Just because the density standard is not a

conditional use standard doesn't mean it doesn't apply.

- This property, if you look at just the residential component as seven units, the maximum it's permitted as four units, in Mr. Steck's opinion, that's a density variance and that's serious because that's not the type of variance that the planning board can grant. That changes the jurisdiction to the board of adjustment.
- Mr. Steck reiterates that the applicant is suggesting that there is some kind of a hardship with existing conditions. The applicant today has more building and more paving that is permitted. Mr. Steck said that's not a hardship.
- Mr. Steck mentions that Mr. McDonough said be careful because you're going to get other uses there that could be more active, such as like a fast food restaurant or a bar. Mr. Steck states that Mr. McDonough forgot to tell the board that for instance, in the regulations in the B1 zone, a fast food restaurant is a conditional use.
- And one of the conditions is that it can't be within a thousand feet of a residential district. That would not be permitted on the site.
- Mr. Steck also stated that Mr. McDonough talked about municipal land use law purposes A, G, I, and M under NJSA 4055 D-2. He said that this use promotes the general welfare by revitalizing a building and it provides sufficient space in an appropriate location.
- Mr. Steck states by not adding a story, but converting the second story into residential use, you have a mixed use. And the applicant can still adjust the architecture of the building.
- The applicant says that this promotes a desirable visual environment. Mr. Steck said this is a building unlike anything in the area. It has no sensitivity to the historic surrounding properties.
- It is set back in an uncharacteristic area location on the property that doesn't contribute to the pedestrian traffic. This does not promote a desirable visual environment, in Mr. Steck's opinion, and especially because of the rear setback.
- Mr. Steck believes that by going to the third story, there are not a lot of negatives. The applicant is going to have to put in an elevator, that could cost another \$100,000 to put in an elevator. But Mr. Steck said the applicant can be more efficient if he converts the second story to residential use, therefore no longer needing an elevator, and he's likely to have sufficient amount of parking even on a Saturday.
- In Mr. Steck's opinion, the applicant has not met the burden of proof. The third story violates the buffer, it violates the setback, and even beyond the setback, it's a half story more than what is permitted. This is a difficult land use environment because of the traffic and the site distance on Main Street.
- The applicant is relying or suggesting that you plant on the neighboring property to mitigate the adverse effects of this. Mr. Steck thinks that doesn't make any sense. And it suggests rather than McDonough saying there's no substantial detriment, but Mr. Steck said there has to be, there is some substantial detriment.
- Mr. Steck thinks it's unfair to say the applicant should provide the buffering that the ordinance requires on the subject property.
- Mr. Steck states that a two-story building with three, four units on the second story, commercial use on the first floor promotes all the purposes of the municipal land use law. While it doesn't remedy the narrow rear yard setback of 6.8 feet, it minimizes the impact.
- In Mr. Steck's opinion, if the board grant these variances as requested, there would be substantial detriment to the public good, and that would be substantial impairment of the zone plan and zoning ordinance.
- Mr. Steck reiterates that the ordinance says that when you have a mixed use, you look at the requirements for each of the components and the residential density in this zone is a

maximum of four units. If the board grant more than four units, in Mr. Steck's opinion, the board does not have the power to approve this application.

BOARD QUESTIONS FOR OBJECTOR

- Chairman Bagoff asked Mr. Steck that is it his testimony that this building was in violation of a zoning ordinance when it was built. Mr. Steck said he doesn't know whether it was or not.
- Chairman Bagoff asked Mr. Steck if it is his understanding that pre-existing non-conforming is a violation. Mr. Steck said no, it's a non-conforming. Rather than using a violation, Mr. Steck will say there's a non-conformity and there's no evidence that the building placement was conforming at one time.
- Councilperson Scarpa asked how common is it that an ordinance like this for mixed use would not have a density limitation. Mr. Steck said there's not a standard way in his judgment of writing a conditional use.
- Mayor McCartney asked Mr. Steck to clarify the variance on height due to previous testimony that the height of the building would be 34 feet, which is a foot less than the standard 35 foot. Mr. Steck said if the applicant had a one story building and it was 6.8 feet back from the rear property line, there's no height limit. But because the applicant is outside of the building envelope, in Mr. Steck's opinion, you need a variance from both the story height and the linear height.
- Mayor McCartney asked Mr. Steck to clarify about parking on a Saturday since there has never been a complaint about parking or traffic and it is by appointment only. Mr. Steck said except you look at the number of rooms there are in the site and you look at the number of seats in the waiting room. The ordinance doesn't say that it doesn't apply if there's no complaints. The applicant has attempted to show that there's enough parking, at least if you take into account shared parking. But in Mr. Steck's opinion, the shared parking philosophy does not apply on a Saturday because most residential people will be home.
- Mayor McCartney asked Mr. Steck what he meant by a wrong standard that applied during technical review. Mr. Steck said both the architect's plan and the initial traffic report talked about a parking standard of one space for every 250 square feet. That applies on the right side of the building for generic offices. But during the initial review, it was not picked up that the medical offices has a higher standard, one per 150 square feet.
- Chairman Bagoff asked Mr. Steck is it his testimony that the building itself, if it is found to be built within a variance or at the time the zone plan allowed it. Mr. Steck said the applicant has presented no proof that this was permitted by zoning or that a variance was granted in the past.

PROFESSIONAL COMMENTS FOR OBJECTOR

- Mr. Haizel said in terms of the density, this is something that they did look at before this application got to this point. The subsequent is correct, the ordinance is, in Mr. Haizel's opinion, silent on that.
- They do provide the density standard for the dwelling units, but in terms of the density standard for a mixed use building in most of the other ordinances that Mr. Haizel's familiar with, that there is a separate where there is a density measure listed. It is different and it is articulated for the mixed use as opposed to the individual.
- This ordinance does not do that. And one can take the position that Mr. Steck is taking that the density of a residential use by itself should be applied and it's not a residential use

by itself. So Mr. Hazel's opinion in this case is that it doesn't apply.

- Ms. McGovern said the parking requirement creates the limits as to how many apartments you can have anyway. So there is some type of limit. It's based on the parking, but there's not a specific density limit.

PROFESSIONAL QUESTIONS FOR OBJECTOR

- Mr. Haizel asked Mr. Speck about his testimony that height, both linear and number of stories was required because this building was within six feet of the rear property line where height, of that height is not permitted, and asked what provision of the ordinance is that from. Mr. Speck said in terms of negative criteria, it assumes that the building is in the legal footprint. In Mr. Steck's opinion, it relates to the negative criteria by going up higher in an area that's not supposed to have any building and said the applicant needs both a linear height limit variance as well as a story height limit.

PUBLIC QUESTIONS FOR OBJECTOR

- Kevin Malanga from Ridge Road asked Mr. Steck if he saw the architectural styles of the residential structures that are there. Mr. Steck said yes.
- Kevin Malanga asked if Mr. Steck would characterize that style as folk Victorian or something similar to that. Mr. Steck said he doesn't know if they're Victorian, but they're kind of turn of the century houses, maybe 1910, 1920, but they're all wood frame.
- Kevin Malanga asked Mr. Steck if he has looked at the architectural plans for the proposed building. Mr. Steck said yes.
- Kevin Malanga asked Mr. Steck how would you characterize the architectural style. Mr. Steck said he'll call it super contemporary or new suburban.
- Kevin Malanga asked is it incompatible visually and aesthetically. Mr. Steck said it is incompatible in terms of its style, in terms of its shape and in terms of its setback.
- Anne Hersh at 12 Edgehill Road asked Mr. Steck if he is aware that the neighbors are not allowed to plant shrubs due to the dangers of low visibility to those who are driving and walking. Mr. Steck said he is not aware of that.
- Lenny Carr at 83 Mountain Avenue asked Mr. Steck if the buildings across the street that are three stories in height, justifies that there should be another story added to this building in the B1 zone. Mr. Steck said that's a completely different zone.
- Lenny Carr asked Mr. Steck if a third story is allowed, does he believe that this would have any precedent setting effects in the other areas of the B1 zone. Mr. Steck said it doesn't set a precedent.

OBJECTOR COMMENT

- The licensed architect, Eric Buckley, entered on the record, he was sworn under oath and his credentials were accepted by the board. He testified to the following:
- Mr. Buckley wanted to speak to the quote that Mr. Steck brought up about the elevator.
- That is from IBC and as it was stated, there is also something within the ordinance for West Orange.
- Mr. Buckley mentioned the architect, Jason Peist, stated that the area is based on the masonry portion of the building, but Mr. Buckley said the third floor is wood-framed so those super-thick walls that he stated, they don't exist on the third floor, it's wood-framed.
- Mr. Buckley scaled off his drawings, and what he is seeing is roughly 3,135 square feet, which is over that allotted 3,000 square feet.
- That is in relationship to the quote about requiring an elevator if any story is over 3,000 square feet and it's three stories or more.

PROFESSIONAL QUESTIONS FOR OBJECTOR

- Mr. Haizel asked isn't the third floor within the existing envelope, or are they taking it off and building one over it. Mr. Buckley said his understanding is the existing masonry structure is for the first two floors, and its wood framed on the third floor. Naturally, the envelope is larger. But even so, at the second floor, it is calculating 3,045 square feet. So, either way, the numbers are over 3,000 square feet of existing.

GENERAL DISCUSSION

PUBLIC COMMENT

- Jaime C. at 11 Edgehill Road said he appreciates the conditions that have been made. He wanted to speak against this variance being granted on a notion of fairness to the property behind them. There was some talk about in the beginning on the part of Mr. Cox that Llewellyn Park has all this space, but Mr. C. can guarantee that Mr. Cox has more property around town than the people who live directly behind him. It seems like the mode to push for the third floor is to enhance the value of his investment. Mr. C. thinks that's unfair to do that at the expense of somebody else's home investment, which is a very big investment for the people who live directly behind this, but Mr. C. doesn't think that's fair and doesn't think a variance should be granted.
- Rita DiMatteo at 11 Rocky Way also objects to this variance. She feels that the building with the third story on it will cast a shadow and it will have an overbearing presence that crowds the neighborhood. Llewellyn Park, which is directly behind it, is a historic neighborhood that is listed on the national register and state register of historic place. The building is only seven feet away from this residential district. They don't know whether there was a variance granted when it was built or not. However, building a third story on it at this point, in Ms. DiMatteo's opinion is a violation and creates an intrusion. It should not be approved by the board. West Orange tries to be sensitive to the historic character of West Orange and particularly the Llewellyn park, which is part of the Main Street corridor, and they would not like to see an intrusion like this.
- Anne Hersh at 12 Edgehill Road said she is behind what is being proposed and as Rita was saying, the looming presence is a little bit different from when they first moved into Llewellyn park. They were told, for instance, they can't have a fence because that wasn't part of the romantic period. In good faith, they've been following a certain plan to keep the historical nature. There was an offer of planting shrubs but they cannot plant shrubs. Ms. Hersh states that their property taxes have gone up an amazing amount so why are they not being protected? The houses that are around this area had been originally grandfathered in. These are smaller homes with, with little backyards that deserve to be protected.
- Gerald Sweeny at 24 Oak Bend said approving this does not provide any of the real benefits they wanted. To provide the residents, the second floor and third floor, people will have to walk 126 feet. You have to walk unless the elevator is installed. There's going to be burdens. It will exclude people with young children and elderly people. Second, it would not help the downtown because the downtown standards are set forth in the guidelines for the downtown, which values aesthetics. The sample of what's been done lately in downtown is the Edison loft, that's beautiful. By contrast, this will make permanent, an ugly long parking lot upfront with a massive building in the back that is nonconforming. As to the variances and the detriment, no variances should be granted for either the setback or the height. Those are intended to protect light, air, and open space; Here huge shadows will be cast in back of it. That's an important element of one of the

purposes of both the zoning ordinance and the municipal land use laws. It's also to preserve privacy. All of this would be allowing the third floor to interfere with the privacy from people on the side and the back. Third, it won't maintain continuity of appearance in the surrounding buildings, it's wholly inconsistent with the surrounding buildings. The building, if you grant it, will essentially make the downtown a place where there'll be a missing tooth. The missing tooth is just the point where this property, as you come along, all the buildings are up to the sidewalk, all the residential buildings, the access is within about 30 feet, this one, you have this massive and steep parking lot. In summary, the building will be disproportionate in mass, character, size, and height to any of the adjacent buildings, or even immediately adjacent to anything on that side of the road. In short, this application should be denied.

- Amanda Barton at 10 Edgehill said as the neighbors directly to the west of this property in question, her and her husband Jonathan, are relatively new homeowners. They really feel at home in West Orange. Their kids go to public school here and they also love it here. They don't own multiple properties, this house is their entire life savings and they bought it knowing that this building, which really never should have been built where it is, but was something they were going to have to live with. They also trusted that the zoning laws for West Orange would prevent anyone from making it even worse than it already is. They believe it's been shown already that there are multiple issues with this proposal. The only conditions for mitigating these issues, the landscaping that has been proposed, while they do appreciate that, that takes up their yard area, which is already very small, half an acre. And those conditions don't account for the sunlight issues and many of the other issues that have been mentioned. Mrs. Barton thinks the applicant has failed to show that there would be any legitimate benefits adding a third story to this building rather than just repurposing the existing structure. If this application is approved, it is essentially running roughshod over the regulations that are designed to protect taxpaying homeowners in West Orange like them. It not only materially devalues hers and her husband's investment, it really undermines the confidence that people can have in these systems of local government. They urge the board to please consider the detrimental impact this would have on their property and their young family, not to mention its disregard for the historic community of Llewellyn Park, while she thinks in many people's opinion, not adding significant value to the downtown.
- Jonathan Barton at 10 Edgehill said to be clear that they are not opposed to development and they do support a vibrant, revitalized downtown. They're excited about the idea of that. As his wife mentioned, their children go to school here and they're relatively young homeowners. It took a really long time to get there. But if the board took a moment to look at this particular building, he knows it can feel abstract when they're faced as people speaking before the board, but if you stood in front of it, he thinks everyone would understand why they're so vehemently opposed to this. It doesn't serve any particular goal for revitalizing downtown. What's being proposed is kind of a bulky, unattractive structure that already looms over their backyard. They've accepted living in a shadow currently, and they knew what they were getting into when they bought their home, but they never imagined that a third story would be added to the building that already sits so close to their property line. They understand the appeal of fixing up the facade, but they see this building every single day more than anyone else right next to it, and they are saying plainly they would rather it stay exactly as it is than have it "improved" by adding another 15 feet in height. They feel they are being put in a position where to preserve any sense of privacy or the beauty of their property, that they may have to plant a buffer on their own property just for a developer to squeeze in a few more apartments, and it just

doesn't seem fair to them, and it doesn't feel like responsible planning. Mr. Barton wanted to make it clear that they are real people, are residents of West Orange, and they love this town. Their children love their schools, and they are looking forward to living here for a very long time, and they really appreciate it if the board would not add insult to injury on this particular property.

- Heath Shelby at 5 Edgehill Court said as a 30-year resident of the town of West Orange and as a commissioner of the West Orange Historic Preservation Commission in town, she is supportive of a healthy and vibrant downtown, but in balance with historic preservation. She really urges the board to think about the impact that this type of development will have seven feet from the property lines of one of New Jersey's preeminent historic properties. What she is seeing is that a property that was non-conforming is requesting a second non-conforming use. That will enhance the applicant's property and add renewed ratable for the township, yet the neighboring property values would be greatly impacted. It is a visible intrusion to have a third story added to this building, and she really hopes that the board will consider the weight of this applicant's request heavily in terms of how it will impact the historic nature of Llewellyn Park.
- Stan Shapiro at 12 Edgehill Road said he opposes and he requests that the board rejects this application for the variance. There was an argument or a discussion that was made and the applicant's representatives or maybe some of the somebody affiliated with the board was interpreting the conditional use rules contrary to Mr. Steck. Mr. Steck pointed out that that all the requirements, including the density requirements, would apply to both the residential and the commercial use. But the argument that somehow if you're using it for a residential use, there's a density limit and then if you make it a mixed use and add a commercial use to it, that density limit would go away and you could go in and add more, plus, the commercial, it makes no sense. That is an illogical, unreasonable interpretation of the rules Mr. Shapiro respectfully submits and it shouldn't be applied to this application that way. The density use that they want to use to add another story to add three or four more apartments, it doesn't apply to a hardship. If the applicant has a medical practice, there's sufficient space on the ground floor for his medical practice and he could have the residential units on the existing second floor. It's really just to enhance for himself the value of the property, it's not a hardship to use it. They say they don't know if there was a variance or how that building got put up without the buffer all the way on the edge. It's clearly an intrusion on the neighboring properties as it exists. They don't know why or how that happened before, but now to go ahead and make it that much worse by adding another floor, that's not logical, that's just making it worse. To benefit the Main Street corridor, if you're going to renovate, you should be moving that property up to the sidewalk line, relocating it so that it conforms to the abutting properties on Main Street. Lastly, he heard the debate of the architect that they have a third floor with no elevator and only one means of egress and the emergency will have three or four residential units up there, and Mr. Shapiro questions that that's what this board is going to allow? That if in the case of a fire, those people have only one way down? That's not the variance they should be doing.
- Lenny Carr at 83 Mountain Avenue said that he sits on the board's side of the seat most evenings. He was appointed to the State Investment Council by the Governor and he hears the public's comments all the time about how they're the fiduciaries of the state's monies and better ways to do it. He appreciates the service that the board is contributing tonight, and his statement is following on the statements of his neighbors around West Orange who have lived here for a long period of time. On the technical perspective, Mr. Stack raised excellent points. On the rationale, there are some serious objections. The one

point that he'll make that he thinks wasn't made by the previous speakers is if you take a look at where this property sits, it is directly in the middle of the Edison historical site and the Llewellyn Park residential historical neighborhood, right square in the middle, and you would expect that that significant property would strive to have some type of historical characteristics embedded in it. Instead, it is heard from a developer who doesn't want to abide by the historical characteristics in order to improve a downtown that all of them have worked hard to improve, and all of them have worked hard to create a better West Orange through their community and through their efforts. It's been heard from a developer who says that in exchange of making some surface changes to the exterior, they ask this planning board to give them a significant variance to add a third floor, where there are no other third floors in this neighborhood. They want to do the least amount in order to gain the most value for that property. That doesn't sound like an investment. That sounds just like profit taking, and he thinks West Orange is more than that, and he wishes this planning board would just consider the impact it would have to Llewellyn Park. They ask that it consider the impact that it's going to have to the Edison changes, because it will survive long past this board's time on the planning committee, and he wants to live here in a beautiful neighborhood with people who contribute, and his neighbors do too, and all of West Orange does that, so Mr. Carr kindly and respectfully asks this planning committee to reject the variance application. It has not met the hardship requirement.

- Sophie Lubin at 8 Edgehill Court said she lives in Llewellyn Park and can see this building from her home. She moved to the park about two years ago, and truly is in support of the revitalization of West Orange. They had high hopes for the downtown and for the Main Street when they moved here. They moved to the park because of its historic nature and the Thomas Edison Museum. The current building, as it is today, is very unsightly, and they are huge proponents of someone doing something about that. However, the proposed design has absolutely no historical value and no historical relevance. She doesn't think that even was part of the conversation when that building was being designed. There's, from a material standpoint, from an architectural language standpoint, no connection to anything on that street. It is already an eyesore, and they are 100% in support of that building becoming more beautiful and functional, but that is not what they're talking about right now. As they've discussed, the third story is only adding value to the property owner, and not to the surrounding areas, not to Llewellyn Park. In fact, they made no effort to see what the view was like from the neighbor's side of the fence until the push came to shove, and they had to invite them over. There was no effort made for them to see the perspective from the west view, which is extremely concerning. Ms. Lubin believes it was the applicant's attorney at the beginning of the call that said that this variance would improve relationships with the homes that surround it, but to not even consider those neighbors at the upfront, and during the research process, when looking at the view and the true impact, she thinks speaks volumes about the attitude of disregard for the neighbors and for the sunlight, privacy, and for the property value of those neighbors. Ms. Lubin would really urge the board to turn down this application and this variance and consider the historical nature of their town and where this property sits and the homeowners who have invested heavily in this town.

***Board members voted that they would like to have more information before they decide on the application. ***

- **PB 25-02 Orange Prospect, LLC**

Block: 151 Lot: 17.01 Zone: B-2

111 Prospect Avenue

The applicant, Orange Prospect, LLC, proposes the reconstruction of the existing driveway, walkway, path, and valet parking area, as well as renovations to the main building and existing restaurant and banquet facility, also known as the manor.

PRESENTATION

- The attorney, Kenneth McPherson, on behalf of the applicant, states that the proposal of the reconstruction of the driveway, walking path, and valet parking area, renovations to the main building, the existing restaurant, banquet facility, construction of a portico tree, and a community garden are also proposed.
- The existing and proposed restaurant banquet facility is permitted in the B2 district. However, the applicant is seeking a minor variance this evening for slight impervious coverage exceedance.
- Applicant is also seeking preliminary and final site plan approval this evening.
- As part of the site plan process, the applicant submitted a tree removal and replacement plan to the township of Forrester for his approval pursuant to the ordinance.
- Proof of compliant public notice was provided to the board secretary establishing that adequate notice was provided in the West Orange Chronicle on April 24th, 2025, and a certified mail notice was provided to all property owners entitled to such notice.
- The applicant and its professionals met virtually with members of the site plan review advisory board and other township officials on April 8th, 2025, to conduct the initial and formal review.
- The applicant tonight will present one witness for this application, Mr. J. Michael Petry, who prepared the submitted architectural and engineering plans to provide detailed testimony as the project's duly licensed architect, engineer, and professional planner.
- The applicant looks forward to swiftly refurbishing this historic site, maintaining the same type of use at the property that has been there since New Year's Eve in 1956.
- Subsequent to that, the manor and the bow and arrow manor had some famous visitors, including George Burns, Ronald Reagan, and Stevie Wonder.
- The principals of the applicant have extensive experience in dining and catering, and they currently operate the Royal Manor in Garfield and the Bethwood Grand in Totowa.
- They treasure the opportunity to provide these same services to the West Orange community at this property with the same attention to detail and service that the Knowles family provided at the manor until it closed its doors in July of 2023.
- Mr. Joseph Fagan, the township historian, who at their request did provide some historical records regarding the manor's operation at the site of the property and the Knowles family legacy.
- The architect, engineer, and professional planner, Mr. J. Michael Petry, entered on the record, he was sworn under oath and his credentials were accepted by the board. He testified to the following:
- Mr. Petry has received and reviewed the following reports from the town: April 9, 2025, March 20th, 2025, the Nishuane Group Board Planner Reports, the March 25th, 2025, Matric New World Board Engineer Report, and the May 5th, 2025, Pedestrian Safety Advisory Board Recommendation Memorandum.
- The subject property is designated as Lot 1701 in Block 151. It's more commonly known as 111 Prospect Avenue in West Orange.
- The property is historically operated as the Manor, a restaurant and catering facility well

known throughout the world.

- The parcel includes a total of 8.3 acres with 1,070 feet of frontage on Prospect Avenue and 166 feet of frontage along Woodland Avenue.
- It's zoned B2 and the properties immediately behind it are zoned R6.
- It's important to note that the Residence Inn Hotel, located immediately next door to the property to the north, contains a 124 parking space easement for the exclusive use of the restaurant and catering facility. As such, all of their notices have included that property.
- Mr. Petry has been working for the Knowles family on this and other properties since 1985.
- During that time, he has prepared all of the site plans for both the restaurant and catering facility as well as the hotel.
- Mr. Petry was part of the 1993 application approved by the board that split this into two separate sites, one for the Manor and the other for the hotel.
- When the two phased renovation was planned and ultimately completed, he was instrumental in developing both the concepts and the final plans and ultimately working with Harry Knowles, his two sons and his two grandchildren on the build out of those improvements.
- The first phase was approved by the TRC in 2012 and the last board approval was in 2013 that included the rooftop addition and a phase that has not been implemented yet which was the conversion of the carriage house to a bar for a la carte dining.
- All of the more current approvals reference the 1996 planning board approval which limits the occupancy of the restaurant and banquet facility to 1,404 people with a total of 434 parking spaces of which 124 are part of that easement that Mr. Petry mentioned earlier.
- The proposal that's before the board this evening makes some minor architectural changes to the building.
- As of right now, there is no portico share. A portico share is the roof area that you can drive under to get out of your car without getting wet.
- It's been one of the complaints about the building for a number of years but it's been a difficult problem to solve.
- They've incorporated here by changing both the driveway and the fountain that's out front, eliminating that so that they could have the ability to create this area.
- The second change to the building is the area that faces the fountains in the garden in the front. That area currently has a greenhouse style curved glass facade there and what they're going to do is take that out and put in new doors and glass that will exit onto that same patio and fountain area.
- There are no real true additions here, although the portico share counts as an addition, but it's simply a portico share and a windbreak at the existing columns.
- From a site perspective they're doing several important things. Mr. Petry presented the overall site plan labeled as SP3.
- One of the things that they're doing is reconfiguring the exit driveway. The existing driveway is very steep as it reaches Prospect Avenue and it's very difficult to see.
- What they're doing is pushing the driveway about 25 feet to the north at its exit point so they can straighten it out, take out the curve, move it away from the garden walls, and fill the upper reach of that driveway in.
- They can't do it where it is today because that would put pressure on the walls that they can't take. So instead, they move it to the north, regrade that driveway, and improve the ability for exiting vehicles to see.

- For those who have gone in and out of the driveway that services the hotel, they're following the exact same grading pattern as they did there, and it will result in a driver's eye that's closer to the elevation of Prospect Avenue, which is going to create a safer exiting movement.
- When you look at the impact as you move slightly north, they also chose to reconfigure this front parking lot.
- The front parking lot is probably the most important lot in the facility because, on a day-to-day basis, this is the parking that everybody uses.
- On evenings when the facility is booked for larger events, that's when they'll have valet parking, and the valet will take over this lot.
- For the ADA parking, they're on the side of a hill, so ADA is important because it needs what's called an accessible route, so you have to be able to get from the cars to the front doors.
- They've developed half a dozen ADA spaces with a direct accessible route to the path that gets you to the front door of this facility, and they are the closest spaces to it.
- They've increased the parking on the property by this reconfiguration, but they've simultaneously decreased the impervious coverage on this property by about 5,000 square feet.
- Not only did they add ADA parking spaces with the defined accessible route, they've added half a dozen EV parking spaces, and they've brought the total parking on site to 471 spaces when you consider the EV credits.
- A quick look at the grading and how they accomplished this with the driveway is on sheet SP6.1. They've regraded the driveway to provide an area that's relatively flat, less than 5% for the first 25 feet of the driveway. That driveway gets a little steeper going down, but now it's going to be a constant grade.
- They've added drainage improvements on that driveway and reconfigured the whole parking lot, and incorporated drainage improvements there too.
- Ultimately, they've connected this storm sewer system through parking lot C to the existing drainage facility that's there.
- What's important to note about this is that this is an improvement that can only be made while the facility is closed. Therefore, the whole front parking lot can be done now while the facility is closed. It can't be done while this is open because the driveway is going to take weeks to do.
- They've taken the time to develop new lighting for this front parking lot as well. All of the driveways and the parking area will be lit by 15-foot light poles.
- These are lantern-type fixtures that are dark sky compliant, so they don't have glare that goes up in the air.
- The walkways, the pedestrian areas, and the plaza area outside of the fountain are lit with 12-foot-high light poles, and that front area is something that's important to the application as well.
- Mr. Petry shows on his presentation where one comes out of the existing room in the front of the building with the glass that overlooks the fountains, and you walk downstairs to get down to the patio level.
- Their intention is to fill that area in and to raise that up so that this area outside can be ADA accessible and enjoyed by all patrons, not just those who are physically capable of walking downstairs.
- That's going to cause them to have to reconstruct the front fountain and raise it up a bit so that it's above the patio area, but that's included in the plans as well.

- They're bringing in a little over three feet of fill in this area to raise this up and all new drainage through this area that connects out to that parking lot drainage.
- They have their tree replacement plan, and Mr. Petry presented TR2 in the set that was submitted.
- As part of the previous submittals made to the township, they're seeking the board's approval of their landscape plan, which includes some tree work that's already been completed as well as tree work that will be finalized as the front parking lot is completed.
- The portion of the plan that's been completed is outlined in red areas A, B, and C along the driveways. The trees there have been planted and are being maintained, but some of them needed to be replaced.
- There was some tree removal performed before a permit was sought. Basically they were attempting to replace in time. They weren't aware of the ordinance, and they have gone through the process in the courts, and there's a settlement in place. What the settlement requires is ultimately the board's approval.
- The additional areas are, again, as they install the parking in the front of that lot, they've implemented additional evergreens at that location. They will complete the evergreens along the exit driveway, mixed in with the red maples, and then they will have red maples and evergreens that will be placed along the front.
- The final piece in this application is a community garden, and that's located right behind and adjacent to the carriage house that's on the property.
- The carriage house currently has a greenhouse, and what they're planning on doing is developing this garden that will be overseen by the chef and his staff, most likely a gardener.
- It will be developed to serve the restaurant and banquet use, but will also be available for community groups. It will be on a first-come first first-served basis for them to utilize this garden and learn from this garden.
- There are several non-conformities that are not being affected by this application.
- This includes setback violations on the south side of the existing building, accessory use setbacks for the pavement in that area, accessory use front setback for the parking that is within the employee parking lot, accessory use side setback for the parking lot as it abuts the hotel parking lot (they're required to have a separation there), and the buffer to the residential zone on the south side of the building and the portion of the employee parking lot that's closest to the building.
- While they have improved the impervious coverage, they're still at 60.53% where 60% is permitted. They call this out as a variance because they are over, but they are making this better by about 5,000 square feet.
- They're reducing the coverage from the existing condition, which is 61.75. They're dropping it to 60.53. They're over by about 1,900 square feet.
- They call this out as a variance despite the fact that it's an existing nonconformity, but in Mr. Petry's opinion, there's a direct public benefit. They are adding 5,000 square feet of green space, and they are simultaneously reducing stormwater runoff, that is a direct benefit to the public.
- Mr. Petry doesn't see a substantial detriment associated with this granting of the variance because, in essence, they will be improving the condition, and therefore, he believes that it meets the C2 criteria.
- While they are increasing the previously approved parking, which was 434 spaces, to a total of 471 spaces, including EV credits, they would like to request that the board consider increasing that occupancy by 111 people, and 111 is based upon the difference between 471 and 434.

- The ordinance requires one space for every three seats, so if it's multiplied by three, we'd have an increase of 111 for a total of 1,515 should the board grant that. I think it's a reasonable request given what they're doing and where they're going with the parking increase.
- The Pedestrian Safety Advisory Board asked them to look at implementing a sidewalk along Prospect Avenue. Historically, that has been tricky at the fountain, and it's been tricky at the employee parking lot.
- The Advisory Board raised a good point, and that is that they have a reservation that perhaps they can incorporate the sidewalk within the employee parking lot on the tree side of that lot.
- Mr. Petry looked at it and he thinks they can do that because they have a fairly wide drive aisle.
- They do get to a pinch point in front of the fountains because those fountains are up to the property line. The walls actually go over a bit, and there are evergreens there. The applicant would have to do something relatively creative at this location in order to accommodate that.
- Mr. Petry's concern is what happens in front of the fountains because they do have drop-off and they have evergreens. If they eliminate the evergreens, they can work something out to replace them and try to work with the committee to get that sidewalk in.
- Part of the idea is to make more connectivity. To the north, there are no sidewalks along the frontage, and to the north of that is the Montclair Golf Club, and there are no sidewalks along that frontage. There are sidewalks on Woodland Avenue, and there are sidewalks in front of the residential development there up to a point. Their project at West Orange Plaza, the hopefully soon-to-be target shopping center, has sidewalks incorporated there that come down and connect to those residential sidewalks.
- If they were to be able to get it along the frontage of this property, you could walk from the hotel to the shopping center if one were staying there long term. Mr. Petry thinks some of the improvements that have been made recently on Prospect Avenue might help us do that.
- There have been comments about the parking, access to the building from the parking lots, and whether it's better to have self-parking or to have a valet.
- This property has always had a self-parking sign just before you get to this driveway, and it says self-parking to the right, valet parking straight.
- The majority of people who want a facility like this are going to use the valet. However, they're seeing more and more and more people using Uber and Lyft, so Mr. Petry thinks you're going to see a lot more drop-off.
- While Mr. Petry appreciates the comments about self-parking being better closer to the door and easier for people if it's in lot C, it's never been that way at this facility.
- But for the day-to-day operations, Monday to Friday, this is going to be the only parking lot used other than the employee parking lot.
- When you're dealing with valet at a facility like this at the end of the night, people want their car quickly and the quickest way is for the valet is to have the shortest run. The longer the run, the longer it's going to take to get your car. However, they'll probably also have bigger staff at those parties.

BOARD QUESTIONS

- Councilwoman Scarpa asked Mr. Petry what the various drainage improvements in the parking lot are. Mr. Petry said historically, the drainage for this parking lot has run into the area immediately outside the door, as it ponds at the door, it risks going into the

building. But what they're doing is reconfiguring the driveway and rebuilding the area. They have directed the drainage to a low spot that's between the main building and the carriage house so that in the event that there's ponding, it can go over the curb and through into the garden area directly. All of the improvements that they're showing incorporate additional collection systems. A lot of the pipes they had, the owner has had all of the storm lines cleaned and scoped so that they could see where their problems are. And they're doing upgrades to that system so that this can be taken care of.

- Mr. Klein asked are we going to see a revised plan with the sidewalk across the frontage. Mr. Petry said they can certainly incorporate that and submit it to whoever it needs to go to.
- Mr. Klein asked Mr. Petry it is an option for it to be 100% valet for an event, or do you always have to have the option of people to self-park. Mr. Petry said you always have to give people the option to self-park.
- Mr. Klein asked is there a better way to get the pedestrians from the building to their parked car. Mr. Petry said the best parking spaces for self-parking are near the walkway in the parking lot because the walkway brings you right down to a designated crosswalk and brings you right to the front door.
- Mr. Klein asked are the 6 ADA spots going to be self-parked ADA spots. Mr. Petry said those are self-parked ADA spaces and they have direct access across and to the front door.
- Mr. Cardoza asked if this is all new layouts throughout the lots. Mr. Petry said the only lot that's new is the lot in the front. That's a completely different configuration than what's there today. Everything else is what you're looking at today.
- Mr. Cardoza asked if you could make off of Prospect Ave both a left-hand and a right-hand turn into this lot. Mr. Petry said yes.
- Mr. Cardoza asked where the little lane going up from that drive aisle lead to. Mr. Petry said there's an easement across the back of these properties because there's a driveway that goes back to the service driveway.
- Mr. Cardoza asked is that the current or planned main source of deliveries. Mr. Petry said yes, it will remain as the approach for deliveries.
- Mr. Cardoza asked have they done the turning angles for large vehicles or emergency vehicles. Mr. Petry said yes, they have a turning plan included in their set that has the fire truck coming through this large vehicles, emergency vehicles area and out.
- Mr. Cardoza asked when the employees park, where do they walk to enter the building. Mr. Petry said the employees come in the rear of the building and there's an employee entrance back in the rear of the building to where their locker rooms are.
- Mr. Cardoza asked what's there regarding visibility or signage. Mr. Petry said the deliveries are done off hours, but employees are there for the delivery. There's building mounted lighting that lights up the whole area.
- Mr. Cardoza asked what is the intent of the public gardens. Mr. Petry said there will be a ground planting area that will likely be used for by the restaurant and banquet facility only and then there's going to be a delineation where people or groups can sign up and have either bins designated to them or to their group.
- Ms. Kapferer asked regarding the accessible route and the ADA spots, how was the number of handicap spaces calculated. Mr. Petry said they did it based solely on the parking spaces in lot B that they're touching.
- Ms. Kapferer asked is there enough ADA spots then for the site. Mr. Petry said when they're finished, they'll have more than there are today. When they touch lot C, they expect that they'll be providing ADA parking for the use that is here. They'll also be

providing ADA spaces to access the garden for those who are visiting for that purpose.

- Ms. Kapferer asked if Mr. Petry has a time frame for lot C. Mr. Petry said from a practical perspective, they didn't have time to design this building and design the parking lot in a reasonable time frame to get this open.
- Ms. Kapferer asked about drainage and how, particularly to the west, is not increasing at any point and if there won't be additional point source discharges. Mr. Petry said they're decreasing impervious by 5,000 square feet, so they're going to be reducing the overall volume of water that runs off of this site. They are also putting in new collection systems because some of the older pipes over the years have failed from either lack of maintenance or just old age.

PROFESSIONALS QUESTIONS

- Mr. Scott asked as part of the conditions of approval, if the board so chooses to approve, will he provide revised drawings and a letter answering each of the points from Mr. Scott's letter. Mr. Petry said yes.

PUBLIC QUESTIONS

- Joyce Rudin at Woodland Ave asked Mr. Petry that in parking lot A, a lot of those trees that were replanted are now dead, does Mr. Petry have any plans to address that. Additionally, along the side and closer to the building, all of those plants that were planted, they're completely a monoculture and they are also dead. How will Mr. Petry be dealing with that. Mr. Petry said the tree removal and replacement plan was submitted to the town forester. They got approval to replant areas A, B, C, and D, as shown on the plan. The remaining areas are what still need to be planted around this parking lot that they're reconstructing. They lost a number of trees because it took time to get the town to review and approve the submittal that they made to put the trees in. They had trees that sat on the site for almost two months before they were able to be put in the ground. And because of the stress on those trees, they lost more than you would normally lose. But Mr. Petry said that the replacement trees to swap them out with have already been ordered. And they're just waiting for them to arrive because now it's time that they can plant again.
- Ms. Rudin asked Mr. Petry how he will address the area property that the manor owns going down Woodland Avenue, that it's not being properly maintained. Mr. Petry said there's no tree replacement proposed there, and he doesn't have any information on the maintenance of that area.
- Ms. Rudin asked Mr. Petry is the parking lot extending in any way in area C. Mr. Petry said the employee parking lot, which is the parking lot to the south of the building, there is no plan to expand that parking lot at all.
- Ms. Rudin asked Mr. Petry is he familiar with the planting that is required inside parking lots for trees because there seem to be no islands in any of the parking lots that was created. Mr. Petry said that's not true. Mr. Petry showed on his plans presentation that they're reconstructing parking lot C and creating planting islands within this parking lot.
- Ms. Rudin asked Mr. Petry is he aware that the planting islands are supposed to provide at least 50% shade. Mr. Petry said yes.
- Ms. Rudin asked Mr. Petry is he aware that after the trees were illegally taken down last year, the neighbors came out and they spoke out about flooding that is happening behind the property. Mr. Petry said yes.
- Ms. Rudin asked Mr. Petry is there anything that he will be doing to protect the residential neighborhood right behind the property. Mr. Petry said yes, as he indicated in

his testimony, they're eliminating 5,000 square feet of impervious surface on the site and replacing it with green area to reduce overall runoff from this site.

- Ms. Rudin asked will the green area include trees. Mr. Petry said yes.
- Ms. Rudin asked will it be enough to stop the runoff that is happening to the neighborhood right behind the property. Mr. Petry said there is a berm behind the parking lot that has 20-foot-high evergreens on top of that berm. It was installed 30 years ago by the Knowles family so that water wouldn't run down the hill from the parking lots. It can't get over the top of the berm.

Conditions:

- See the resolution for conditions.

Motion: Chairman Bagoff

Second: Mr. Guarino

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

Meeting adjourned at 11:30 PM.

ADOPTED:

Jamilet Baquerizo Vite
Planning Board Secretary