

**DRAFT
MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
July 2, 2025, 7:30 P.M.**

The Township of West Orange Planning Board held its regular meeting on July 2, 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 on **Wednesday, July 16, 2025, at 6:30 P.M. in person.**
- The next Planning Board special meeting will be held on **Wednesday, July 23, 2025, at 6:30 P.M. in person.**
- The next Planning Board special meeting will be held on **Wednesday, July 30, 2025, at 6:30 P.M. in person.**
- The next Planning Board regular meeting will be held on **Wednesday, August 6, 2025, at 7:30 P.M. via Zoom.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. Ken Alper; Mr. John Cardoza; Mr. Christopher Morgan, Sr.; Mayor Susan McCartney; Mr. Frank Noborine; Councilwoman Susan Scarpa; Ms. Lori Kapferer

ABSENT: Mr. Lee Klein; Mr. William Wilkes;

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

MINUTES & RESOLUTIONS

SWEARING IN

- The Township Professional(s) sworn in.

APPLICATIONS

- **PB-25-05 WO Board of Education**

Block: 172 Lot: 29.01 Zone: 29.01

9 Manger Road

The applicant is proposing a new paved playground and modular building with 6 classrooms for pre-k.

PRESENTATION

- On behalf of the applicant, the attorney, Brian Chewcaskie, is before the board for a review and recommendation pursuant to Section 31 of the Municipal Land Use Law.
- Since this is a project by a government entity, they are required to appear before the board for their review and recommendation.
- What is before the board this evening is an addition of a modular building to the Mount Pleasant Elementary School located at 9 Menger Road, as indicated.
- The application was submitted on June 11th, along with thereafter a tree removal application.
- There are 2 sets of site plans before the board, one for the modular building, one for the playground, and also the architectural plans.
- The proposal is for a modular building with 6 classrooms and a paved playground in the north area of the school, behind the existing building. The use is for pre-kindergarten.
- The applicant received reports from the board planner, which was dated June 23rd, and also from the board engineer dated June 27th.
- The applicant reviewed those reports, and there were some questions raised in those reports, which they will answer.
- The architect, Kenneth Ross, entered on the record, he was sworn under oath and his credentials were accepted by the board. He testified to the following:
- The applicant was looking to provide a modular unit to house the 6 pre-K classrooms on the property. Mr. Ross worked with a mobile lease to put the other plans for that use on location.
- Each classroom will have its toilet room as is prescribed in the state code.
- At the back of the building, there's an area that's going to be designated as a playground for the preschool.
- This is a self-contained building for pre-kindergarten, along with the outdoor recreation area, which is designed to accommodate those students.
- It'll have a nurse's office in the building, and it also has a couple of private offices to provide security and support for the teachers.
- It has 2 exits from the building as is required by code. It'll be barrier-free access.
- Mr. Ross has reviewed the board engineer's report dated June 27th.
- Mr. Ross answered questions about building lighting. There will be site lighting on the side of the building.
- Mr. Ross has also read the board planner's report. There was a question about whether there was an elevation view of the building.
- Mr. Ross has a rendering that they used for another project which would show the general idea of what they'd be doing.
- Mr. Ross presented exhibit A1, the proposed front elevation.
- What is shown isn't exactly what it would look like, but it is similar to what they would have.

- The front entrance will have a barrier-free ramp on the right-hand side providing access to the building.
- The roof over the top would extend the entire length of that ramp to provide coverage for the entire ramp.
- They would have a similar cover on the back end at the other exit, which would be much smaller because it's a smaller stair and landing at the back.
- The entire building will be accessible. Once you're up that ramp and into the building, everything should be barrier-free.

BOARD QUESTIONS

- Chairman Bagoff asked if there would be bathrooms in the building. Mr. Ross said yes, there's bathrooms in each of the classrooms. There's also a bathroom in the nurse's office and a staff bathroom in the hallway by the nurse's office.
- Chairman Bagoff asked if all bathrooms will be unisex and ADA compliant. Mr. Ross said yes.
- Chairman Bagoff asked if the sub-code official had looked at the plans. Mr. Ross said he can't answer that question, but they typically provide all of the requirements of the local code for fire protection.
- Mr. Alper asked if there was going to be any landscaping added to the playground or the building area. Mr. Chewcaskie said Mr. Keenan can answer that question, but if that's the recommendation of the board, they'll certainly add the landscaping.
- Mayor McCartney asked Mr. Ross if he is going to get into any of the details about the 6 classrooms that will be provided within the building. Mr. Ross said yes. They are showing 950 square feet per classroom. The code is 900 square feet for 15 occupants, and they're showing 13 per classroom.
- Mayor McCartney asked as a planning board, how do they determine that because that's the Board of Education, and the grant funding applies to 15 students per classroom. Mr. Ross said it has been submitted to the state of New Jersey for review. They will have to get approval from them for the plans that they submitted.
- Mayor McCartney asked, are they reducing the number of students to accommodate this structure. Mr. Ross said he wouldn't be able to comment on that. That would be a matter of how many they think that they need to put in each classroom.
- Mr. Guarino asked if this is a permanent building or is this for temporary use. Mr. Ross said he believes it's to be used for an indefinite length of time. These are modular units and they are frequently used for a more permanent use and installation.
- Mr. Guarino asked are these like trailers. Mr. Ross said they're modular units that they put together to form these buildings.

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

PRESENTATION

- The civil engineer, Dennis Keenan, entered on the record, he was sworn under oath and his credentials were accepted by the board. He testified to the following:
- Mr. Keenan presented Exhibit A2, an aerial image of the subject property, Mount Pleasant School.
- This website is NearMap, which has images from March 19th, 2025.
- The whole property is seen. The school is set up on the lower portion of the property, up by Manger Road.
- Ellison Ave is off to the left. On the north side is an existing open field. There is also a

small asphalt playground area off to the side. Adjacent to that is an existing playground area that's mulch with some exercise equipment off in the grass.

- There's a driveway connecting the asphalt area to Ellison Ave. That is a kind of existing service road that provides connectivity and allows them to maintain this portion of the property.
- The modular building is going to be constructed in what essentially looks like the outfield of the baseball field, the recreational field.
- There is going to be a parking area that's constructed in what is the existing asphalt play area, and using the existing drive aisle that will be widened a little bit.
- Mr. Keenan also presented sheet C3 of the submitted site plan set for the proposed modular building.
- The existing school is at the bottom of the sheet. It also shows the existing ball field, which shows the proposed 1-story modular building.
- The asphalt area where the proposed parking is the existing asphalt area that is the playground. And there's a connector road that they're following the same one, providing it a little bit wider because they are going to have more vehicles using it.
- They've widened it up to 20 feet and provided 11 parking stalls with 1 ADA within the footprint of the existing asphalt area. That is connected by a sidewalk to the proposed building.
- There is an ADA ramp. From the hatch area off of the ADA parking stall, someone could go in and access the main entrance of the school, or they would have access through the ramp system to get up to the main entrance of the school.
- Additionally, there's a rear exit door at the back. And there's a sidewalk just providing connection to the back.
- Within the ball field is an existing underground stormwater management basin. They are adding new impervious surfaces.
- They are triggering major development from a stormwater management standpoint. They are providing stormwater detention in this area underground, and then that's going to discharge out the back.
- The existing playground area with mulch is going to remain.
- Mr. Keenan presented the site sheet C1 civil site plan for the Mount Pleasant Elementary School and the new paved playground.
- What is screened out is what is proposed as far as the building is concerned and all the features which will be built by the modular building contractor.
- There's the playground that is essentially going to be taking the playground that they had in this area and relocating it into the location up next to the school. It is a sloped area. There is a retaining wall constructed around it.
- It's an asphalt surface matching what's out there now.
- There are basketball courts, a funnel ball area, and four squares. It's all going to be fenced in with some man gates here and some access for vehicles.
- They're also upgrading. There's an existing sidewalk here that's getting upgraded along with that.
- There's striping to allow the children to cross the street and then come into the playground area. During school hours, there will not be vehicular traffic going into this driveway.
- According to the engineer's letter, there was a question raised about the drainage. Mr. Keenan is in agreement that stormwater will be considered major in this instance and will comply with the appropriate regulations and ordinances.
- The stormwater management that's incorporated into phase one being the building, anticipates the playground and controls the runoff for that as well.

- A soil conservation district approval has been obtained for both projects.
- With respect to wetlands, the board planner indicated that there may be certain designated wetlands that may affect the site. The constructions or improvements that are being proposed, are not going to impact any of the existing wetlands. They had one of their professionals go take a look at where wetlands were to make sure they were not impacting them. And they ensured that all improvements were maintained outside of any buffer areas.

BOARD QUESTIONS

- Chairman Bagoff asked if the playground is going to be for the preschool, the elementary, or both. Mr. Keenan said he believes it's going to be for both.
- Chairman Bagoff asked who's going to be watching the kids out there. Mr. Chewcaskie said that any of the younger children are going to be accompanied by an aide or a teacher when they use this. The playground was primarily designed to accommodate the pre-kindergarten. However, there's nothing to preclude other students from using that playground.
- Chairman Bagoff asked if there is a road where they have to cross where there's traffic. Mr. Chewcaskie said no.
- Chairman Bagoff asked if there is going to be fencing around this to keep the kids out of or in the area specifically. Mr. Keenan said yes, there's fencing around the entire playground area. There's an 8-foot-high fence around these edges and then 4 feet on the high side because there's a retaining wall there.
- Chairman Bagoff asked if there are going to be any structures there where the kids just play ball, whether they have sliding ponds or other things that will be there. Mr. Keenan said there will be basketball nets, funnel ball, and there are some striping games that they play like four squares.
- Chairman Bagoff asked if there are going to be any cameras out there to watch what's going on at all times. Mr. Keenan said he is not aware of that. But if they have cameras out there back in this area, he is sure it would pick this up. But whether that's being added or not, he doesn't know.
- Ms. Kapferer asked, wondering about the wetlands, was a letter of interpretation had been obtained for that. Mr. Keenan said no, they did not.
- Ms. Kapferer asked if the DEP had taken a look at the delineation. Mr. Keenan said it's not a requirement that they have to.
- Perhaps, Mr. Keenan, if you could help Ms. Capra out, is that there was a visual observation that would indicate that if there are existing wetlands, they are not being implicated by the construction on or in this location. However, there's a separation of woods between any wetlands and any of their activities. Anything they're doing is within a disturbed area and maintained out of any native buffers.
- Ms. Kapferer asked about the underground detention. Was there any consideration of providing infiltration there? Was there any soil testing to see if green infrastructure could be provided? Mr. Keenan said they have infiltration. They did soil testing and verified the soil. They made sure they had adequate depth around the water table with stormwater regulations.
- Ms. Kapferer asked regarding the parking count; how was the number of spaces determined? Mr. Keenan said they got as much in as they could. They didn't want to expand the area.
- Ms. Kapferer asked if the intent is like a drop-off, where parents are dropping kids off and picking them up. Mr. Keenan said yes, that's how he understands it.
- Ms. Kapferer asked if the access drive itself has a turning radius, wanting to make sure

the cars can get in and out. Mr. Keenan said 20 feet is an RSI standard for an alley or road where you have two-way traffic. Typical drive aisles ideally would be at 24 feet, but ultimately, they don't have anybody parking on either side, so the narrower they can keep it, the better.

- Ms. Kapferer asked if the new sidewalk that they're providing, kind of from that driveway up to the existing school, is ADA compliant. Mr. Keenan said he doesn't believe that it is ADA-compliant.
- Ms. Kapferer asked if it maybe should be ADA-compliant. Mr. Keenan said it would be a pretty significant challenge. It would be a massive tearing out of the outside and switchbacks, and it would take up the whole area.
- Ms. Kapferer asked if there is an alternate route. Mr. Keenan said yes, the opposite side of the school would be the alternate route.
- Mr. Cardoza asked, starting on Ellison Avenue, the new entrance where a wider drive aisle is being created, what does that entrance look like? Mr. Keenan said that currently, the existing entrance is gated.
- Mr. Cardoza asked if they would be removing the gate and widening the drive. Mr. Keenan said yes.
- Mr. Cardoza asked if the building is where the current baseball diamond is. Mr. Keenan said, looking at the plan, he would say, that's the backstop right there.
- Mr. Cardoza asked about the turn that we have, the tiny parking lot, does that fall in the smack dab in the middle of the current blacktop? Mr. Keenan said yes, which follows the current blacktop.
- Mr. Cardoza asked the elementary school students if it looked like they would not necessarily have access to the fields, or if they would conduct recess in the other blacktop. Mr. Keenan said there is a lot of activity, which currently resides in the existing playground, that's now as vehicles are going to be relocated to that asphalt area. And then, whether they're going to use the remaining grass areas within the ball field for activities, he can't say for certain, but he imagines they probably would to some degree.
- Mr. Cardoza asked if all of the students are intended to use this new playground. Mr. Keenan said he believes so.
- Mr. Cardoza asked how many entrances to the playground. Mr. Keenan said there are 2 entrances. There's one entrance for the children, and then there's essentially a service entrance that's got a wider gate.
- Mr. Noborine asked regarding the main access drive. Is there a reason the gate's being replaced? Mr. Keenan said he can't give the specific reason. There was a request from the school district. He assumes they just wanted the ability to shut any traffic down from coming back into this area at any given point.
- Mr. Noborine asked if there is going to be an island, or that is going to be just lane marking. Mr. Keenan said there's no island; it's just asphalt.
- Mr. Alper asked what the increase in the impermeable surface was. Mr. Keenan said he currently doesn't have the exact number with him.
- Mayor McCartney asked if it can be confirmed that this is Board of Education property and not a municipally owned playground area that would have an effect on recreation and other organizations in town. Mr. Chewcaskie said the site plan that has been provided indicates that all the property that is within the block and lot is Board of Education property.
- Mayor McCartney asked if the award-winning inclusive playground is the one that is being relocated. Mr. Keenan said no, what's being relocated is the equipment behind it, which is more exercise equipment, which would not be ADA-compliant.
- Mayor McCartney asked about the means of access from Ellison. Will emergency

- vehicles be able to get that way? Mr. Keenan said yes, it'll be 20 feet wide. It's adequate.
- Mayor McCartney asked, Is there adequate parking for additional staff. Mr. Keenan said what's proposed here is 11 additional parking stalls, which is going to handle a good portion. He doesn't know the exact staff count.
 - Chairman Bagoff asked how we know that parking is sufficient if we don't know how many staff are going to be in the building. Mr. Chewcaskie said Mr. Ross indicated in his testimony, there are 6 classrooms and a nurse. That would be at least 7 people there. The parking in this area was intended to be maximized. And again, this has to be approved by the state board of education to ensure that they meet the standards.
 - Mayor McCartney asked if there is a way to delineate or to show where the wetlands are on this property by that aerial view. Mr. Keenan said he can show it right on the plan. He shows where the wood line is, as well as the wetlands, and then the dashed line on the plan is the buffer.
 - Mr. Guarino asked if there is any mention about what type of fire suppression will be built into the structure. Mr. Ross said as far as he knows that there won't be sprinklers. They'll have fire detection only.

PROFESSIONALS QUESTIONS

- Mr. Haizel asked if there seems to be no real relationship between what is being proposed to add and the playground. If it's something that's going to be accessible to the students in this new facility, there is no connectivity shown on the plans. How is that going to work? Mr. Keenan said the connection will be the crosswalk and the sidewalk going around that area of parking in front of the proposed building. There is a gate to get into the existing playground area. Anybody who's using it would walk across the sidewalk and come in the gate right there.
- Mr. Scott asked if the expansion of the driveway is going to maybe interfere a little bit with the crosswalk, so is it possible to see if that crosswalk can shift down a little bit. Mr. Keenan said that it would be great if they could work with the township because it is challenging. There is a fire hydrant there, and they can't sway it the other way.
- Mr. Scott asked if the plan proposes any lighting. Mr. Keenan said there is a Cobra headlight fixture on the utility pole in the drive. There's also a Cobra headlight at the top, up by the playground. These will provide lighting currently for those two areas. And then there's going to be additional lighting on the building, which is going to be limited; it's not going to cover the parking area. But they'll review that with the district.
- Mr. Scott asked if the stormwater management system and design are in accordance with the recently adopted stormwater management rules from the township. Mr. Keenan said yes.
- Mr. Scott asked regarding the proposed infiltration to the CF perforated pipe. Has a geotechnical investigation been done to test the soils and make sure that it's adequate? Mr. Keenan said yes, it has.

PUBLIC QUESTIONS

- Deborah Butensky at 11 Rappleye Court asked if we are losing O'Connor field, the whole baseball field that Mountaintop used to use. Mr. Keenan said yes, the ball field that's there is going to be occupied by the buildings, that won't be able to use it as a ball field.
- Ms. Butensky asked if there is any way that this ball field can be replaced because it was heavily used by the Mountaintop league. Mr. Keenan said he doesn't know about this property.
- Seth Weisleder at 17 Howell Drive asked if the soil testing for the new playground and the old playground, where pre-K kids will be playing, was for any contaminants or

environmental issues. Mr. Keenan said they did not test it for contaminated soils. They tested for probability and to establish the depth of the water table.

- Seth Wesileder asked if there is a plan to test the soil for contaminants. Mr. Keenan said they would have to test if they were taking the material off-site and removing it, but he is not familiar with anything that requires them to test.

APPLICATION SUMMARY

- To sum up, Mr. Chewcaskie stated the Board of Ed is required to appear before the planning board under section 31 of the land use law.
- For consistency with the master plan and the board's purview is for a review and recommendation regarding the plan that was submitted by the Board of Education.
- The applicant would request that the board issue a letter indicating that it has reviewed the plan, that it is consistent with the master plan as set forth in the planner's report and the recommendations that were made.
- Some of these recommendations include appropriate lighting, consultation about the existing crosswalk, additional landscaping, connectivity to the existing playground, the ability to see if they can make all the access points to the playground ADA-compliant, consideration of the playground surface, along with the video cameras.

GENERAL DISCUSSION

PUBLIC COMMENT

Motion: Chairman Bagoff

Second: Mr. Guarino

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

- **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 floors. Additionally, twenty-six (26) existing on-site parking spaces will also be provided.

PRESENTATION

- On behalf of the applicant, the attorney Tyler Zeberl, states they are here to address a few of the issues that were that were raised by the board and members of the public, specifically the elevator, second means of egress from the third story, structural materials for the third floor, renderings of the building as proposed, the slope of the parking lot, the building height in relation to the surrounding buildings.
- The architect, Mr. Peist, is still under oath and testified to the following:
- There is no exterior lighting proposed at the rear of the building.
- The rear third-floor windows will have a privacy film installed and maintained as on the plans.
- A white roof is proposed and noted on the roof plan.
- HVAC units have been relocated and consolidated at the front of the building to reduce impact on neighbors. A sound insulation partition has been added as well.
- The second and third floor areas are 2,950 square feet per floor, which is below the 3,000 square foot threshold per floor requiring an elevator, so they do not require an elevator.
- Regarding the second means of egress, they have provided fire escapes as noted in the town ordinance. The 2 fire escapes replaced the previously existing ones that they have.
- These are code-compliant and do not trigger any new variances consistent with section 25-8.2 of the Township Code regarding permitted yard encroachments.
- Regarding third-floor structural material, the wall construction of the third floor will match the existing wall type of end thickness, so they're just matching what the second floor has.
- The original building was legally permitted on September 13th, 1977, under permit number 18859 and was completed and opened in 1979.
- Lastly, the renderings. Mr. Peist has provided an existing photograph and a proposed photograph of the exterior.

BOARD QUESTIONS

- Mr. Alper asked about the renderings or calculations for the additional shade that would be thrown on the nearest properties with the taller building. Mr. Peist said he is not a shadow engineer and cannot provide expert testimony regarding shadows. A shadow study is not required under the West Orange code and is beyond the scope of this application.
- Mr. Noborine asked regarding fire escapes, will they be added or replaced. Mr. Peist said they would add the fire escapes on the side, meeting the regulations for the township.
- Chairman Bagoff asked, Is there any way to provide protection so there's no way for a person from the fire escape to go backwards onto the other property. Mr. Peist said that they're far enough from the edge that it would be very difficult to. They would also talk to the township about specifics of the fire escapes, and would ask them if they have a preference in fire escapes.

NO PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

- Eric Buckley at 8 Edge Hill Court asked regarding the previous iterations of these drawings. It was stated that the total building area was 6,458, and so that would be equal to 3,229 square feet per floor. Mr. Peist said these drawings are meant for the planning board, it's not a full construction level plan review.
- Anne Hirsch at 12 Edge Hill Road asked about the fire escapes. The 2 fire escapes will be on the sides, which seems like a point for somebody who wants to go into the gated community without an invitation. But if they put it in the front, it would be less of a

constant threat, why was that not considered? Mr. Peist said the fire escapes purely serve as a means of emergency exits. The existing exits for the building, which were the staircases, are already on the side of the building. They want to maintain a clean front.

- Stan Shapiro at 12 Edge Hill Road asked how the square footage for the second and third floor went from 3,000 and several hundred to just under 3,000. Mr. Peist said it was the exterior face for the calculation. He was using that because that is a building coverage. The inside face of the wall is the building definition requirement. There are thick walls, so they match the thicknesses and meet the dimensions.
- Mr. Shapiro asked, is it the plan that the additional floor or the changes in the exterior walls will have the same thickness as the existing exterior walls? What is that thickness? Mr. Peist said he doesn't have the exact calculation. The number is a hold dimension on a construction plan.
- Sophie Lubin at Edge Hill Court asked if some of the decisions can be talked about in terms of material choices and architectural details, and where, if at all, it is considered surrounding areas. Mr. Peist said the existing building is a mid-century institutional. It's a brutalist-influenced commercial style that was common in the suburbs in the 1960s to the 1980s. It is a contemporary commercial architecture. It is defined by clean lines, minimal ornamentation, mixed materials, large windows, and a flat roof. They're using natural materials, and giving a clean contemporary look to the building.
- Ms. Lubin asked what does it mean by natural materials. Mr. Peist said there's going to be stone veneer. There's going to be wood paneling on there. They're using different things to make it have a natural feel to it.
- Ms. Lubin asked if the wood paneling is actually wood, or is it metal that's meant to look like wood. Mr. Peist said it's a composite.
- Ms. Lubin asked to reference any of the surrounding buildings, the Edison Lofts, and any kind of historical elements when making these choices. Mr. Peist said they were using what existing building that they had.
- Ms. Lubin asked who was responsible for providing a shadow study. Mr. Zeberl said a shadow study is beyond the scope of a site plan application.
- Lenny Carr at 83 Mountain Avenue asked why the shadow study was not being required. Mr. Peist said he doesn't think it's necessary for this property.

PRESENTATION

- The engineer, Donna Bullock, is still under oath and testified to the following:
- There have been some plan changes that were requested by the board and engineers review letters that they have addressed for the building.
- They added the fire escapes for the parking lot upgrades.
- They added a trash enclosure at the north end of the parking lot and space.
- They've added 2 EV spaces, added bumper blocks, and added a new fence on the north side.
- They are replacing a retaining wall on the south side.
- They assigned 7 spaces labeled "RP" (Residential Parking) along the south side of the lot.
- The bill code door at the end of the parking is to be removed and they are proposing 1 ground sign.
- For the parking, the final count is that they have 20 standard parking spaces with 1 handicap space, 2 EV spaces with 2 credits counts as 4. In total they have 25 spaces, where 25 is required. So therefore, there will be no need for a bulk variance requirement for the parking.
- For lighting, they will adjust the lighting levels to maintain the 0.3 foot candles at the property lines.

- As requested, they added the aerial site triangle sheet into the plan set, sheet 1 of 1.
- They do not propose landscaping, but they are cleaning up the overgrowth and vegetation within the cracks of the paved area. It's going to be cleaned up by the applicant.
- They did submit a plan entitled Boundary and Topographic Survey dated 1-14-2025 with a revision date of 6-12-25. That revision added adjacent building heights and grade shots.
- The proposed height for the subject property is 34.5 feet. It is smaller than all the buildings to the north.
- Taking a look at lot 14, which is three properties south, it is a 2 and a half story over a garage. And the distance from the grade at the grade elevation at the garage to the peak of the building is 20 is 42.1 feet.
- Moving along to lot 12, it's a 2 and a half story residential dwelling. And from grade to peak, it is 37.4 feet.
- Moving to lot 10, it is an existing 2 and a half story residential dwelling where from grade to peak is 36 feet.
- On the south side, adjacent lot 5 from grade to peak is 37.6 feet, which is greater than the subject property of 34.5.
- Moving on to lot 4, there is a 2 and a half story building with a garage in the front where we have 33.9 feet from the grade at the garage to the roof peak.
- Finally, lot 3, it is a 2-story dwelling that has from finished floor 26.9 feet.
- Of the 6 lots that have been evaluated, 4 properties are taller than their proposed height.
- Two of the buildings, lot 4 and 3, which are actually more of a commercial use to the north, are 33.9 feet high and 26.9 feet high.
- After looking at the engineer's letter of June 30th, reviewing it other than a few things Ms. Bullock just testified about the parking variance and providing the correct lighting requirements, they agree with everything in the engineer's letter.

BOARD QUESTIONS

- Ms. Kapferer asked to describe again the measurements that Ms. Bullock was just providing, was it from a person's driveway to the top of the structure on their property. Ms. Bullock said they have provided on the updated Boundary and Topographic Survey; they show spot shots at the location of the sidewalk. Then they show spot shots on both right and the left of the dwellings, which would be considered average grade, the grade at the property. They also calculate some finished floor elevations. And then with those three in mind, they just subtract from the average grade minus the peak to get the actual height of each structure.

PROFESSIONALS QUESTIONS

- Mr. Haizel asked were any of the properties that the height was cited of, were the setbacks of the properties taken into account, or was it going strictly by the building. Ms. Bullock said they went straight to the building peak. They didn't have the ability to survey each lot. They did locate them approximately with the grade shots and as seen on the map, drew a front line for the front of the house and then two sides to indicate the approximate location.
- Mr. Haizel asked were any of the buildings set back to the extent that the subject property building is set back. Ms. Bullock said these houses are all along the front of the property. They're all with the residential look for the properties to the south. They are set back close to the street, 35 or 40 foot setbacks.
- Mr. Scott asked regarding a resolution in terms of the conflict between the opposed lift and the built-in doors for the basement of the building. Is that something that's been resolved? Are those doors going to be removed and that access is going to be taken away

from the building? Ms. Bullock said yes, the built in doors are proposed to be removed. It is shown in the existing conditions, but on the site plan portion, they are not shown where the proposed lift is going to be placed.

- Ms. McGovern asked regarding Ms. Bullock's statement earlier that she agreed with everything in the Matrix report dated June 30th, 2025, with the exception of the parking variance, what was the other option. Ms. Bullock said the other one was the request for addressing the lighting concerns. They will make sure that the plan is revised to depict the existing poles on site and make modifications if necessary if they have more than 0.3-foot candles going beyond the property line.

PUBLIC QUESTIONS

- Stan Shapiro at 12 Edge Hill Road asked regarding the other 6 properties that are up close to the sidewalk on Main Street, and if only the subject property is set back over 120 feet off the sidewalk, then it's not in line with the rest. Ms. Bullock said the study was to show the building heights in the area. These houses require the same building height as their building, and they're showing that the actual building heights are greater.
- Mr. Shapiro asked regarding the testimony of the measured heights of the residential properties, were any of the residential properties flat roofed. Ms. Bullock said no, they were not.
- Mr. Shapiro asked, if measurements of the lowest part of the roofs were made and what proportion is at that highest peak. Ms. Bullock said the definition for building height is the average grade to the peak of the dwelling and that's what they did.
- Eric Buckley at 8 Edge Hill Court asked if currently the roof peak is shown at 221.7 and another 15 to 20 feet is being added on top of that, then now the average roof peak would be roughly 15 feet higher than all the rest of the building's surrounding area. Ms. Bullock said they're adding 9.4 feet to it, therefore the proposed elevation will be at 231.1.
- Mr. Buckley asked is that measured to the roof or to the parapet. Ms. Bullock said that's for the architectural plans where he has the top of the parapet, but she is not 100% certain as she does not have those plans in front of her.
- Mr. Buckley asked will the building be roughly 10 feet above, in terms of ground level, above the adjacent property. Ms. Bullock said that's correct.
- Mr. Buckley asked if you're adding a story to this building, wouldn't the extra story be required to adhere to that setback. Mr. Zeberl said that's a legal requirement, and that is not how the law is interpreted. The law says that you look at the building footprint, not the addition upwards. That was addressed in Mr. McDonough's planning testimony, they are requesting a variance, but only to the existing nonconformity.
- Ann Hirsh at 12 Edge Hill Road asked Ms. Bullock if she sees that the closeness does make a difference to the people living around the building. Ms. Bullock said the buildings in these lots are not required to be adjacent to the front property lines. These houses could have been set back further if the developer desired.
- Jonatha Barton at 10 Edge Hill asked of the properties that were mentioned, which is the property where the building is the closest to the property line. Ms. Bullock said lot 3.
- Mr. Barton asked why the property that is closest to the subject building was not included in the height study. Ms. Bullock said it was requested that they get the adjacent building heights.
- Mr. Barton asked if it was suggested that the applicant in the case if it were to be approved, that they would be required to offer landscaping to the properties that were abutting it. Mr. Cox said it's not a precondition, one can't require it, but he will plant some trees in the back for Mr. Barton.

PUBLIC COMMENT

- Jonathan Barton said he invited Mr. Cox to the property, but nobody reached out to him. Eventually, he was visited. He had a long conversation in expressing his concerns with Mr. Cox, and his experience was not what was stated. The point of the meeting was to find some sort of amicable resolution. It was expressed that anything that had to do with Mr. Barton's property in terms of landscaping and trees, was not anybody else's responsibility and it was upsetting to Mr. Barton the way that that interaction went. Mr. Barton is not coming into this with any sort of assumptions about character and is not trying to cast aspersions. He went in with good faith to have this meeting and felt that the applicant did not seem to have any sort of concern for his concerns.
- Anne Hirsch at 12 Edge Hill said she does not understand why the thought of the variance of lifting one whole story above their heads is not important that it is close. The closeness is the only thing that should be talked about. Ms Hirsch says that it should put it near Main Street and then raise it a story. Ms. Hirsch appreciates her neighbors on Main Street who have spoken and rightfully want a thriving Main Street, they are all for that. Ms. Hirsch thinks they might be equally as happy if the building were closer to Main Street and then lifted that story. She doesn't think it should be in her neighbor's backyard.
- Stan Shapiro said at the last meeting there was a problem of the density, that this doesn't comport with the zoning requirements. It's trying to suggest that because it's a mixed use, it doesn't have to comply with the density requirements of either a commercial use or residential or the current zoning. Mr. Shapiro believes it makes no sense at all. Mr. Shapiro states that the board doesn't have the authority to grant a variance as the density, so how can the board approve a building that wants to add 7 residential units in a 4 residential unit zone by calling it a mixed use? Mr. Shapiro says that by that reason alone, this application should be and must be denied. The actual plan here is to build this box and move it up a foot and have it approached way in the back off the street, not in relation to any of the surrounding properties. It's an undeserving variance as to the height and it's an undeserving variance as to the density. Mr. Shapiro believes the applicant is trying to evade the health and safety requirements for having an elevator by having a hold measurement. Mr. Shapiro states that don't deserve a variance; they're cutting corners. Mr. Shapiro believes this board should be representing the public. This building is out of character to the surrounding buildings and the community and the neighborhood and it encroaches on the properties in the back. Mr. Shapiro hopes the board rejects it.
- Eric Buckley at Edge Hill Court and is a resident that abuts the property in the back. He wanted to ask what does the town gain with this building? Getting an additional story outside of a facelift of a lot and minimally of a building. Mr. Buckley believes this building can exist as two stories with three residential units. He asks what does the extra four units do for the town, it doesn't add anything. Even for the affordable units, it's one for the whole building. Mr. Buckley states that it seems like there's a lot of statements saying "we're requesting this variance because we're making this such a better building", but in Mr. Buckley's opinion, it's not. This is what Mr. Buckley wants the board to consider, what does this extra story do for the town as a whole? How does it benefit the residents?
- Eric seconds what Chairman Bagoff was saying in regards to how Mr. Cox does have a history of having different buildings in West Orange. Eric thinks that history does matter and based on all his buildings, he would see that he hasn't had any issues in terms of safety or any regulations that he didn't follow for the building to be safe. Eric states that the board should take that into consideration.
- Christine Persaud owns the medical practice True Ally at 105 Main Street and it would be her practice moving into the first floor. One of the reasons why her practice is in West

Orange is because they serve a lot of the West Orange community as far as patients. They serve a lot of the high school athletes, sports medicine wise. Ms. Persaud is hopeful this will get approved because they are committed to the West Orange community. In addition, Ms. Persaud believes an upgrade is needed.

- Sophie Lubin at 8 Edge Hill Court thinks it's great that they're serving local athletes and people in need of medical services. However, Ms. Lubin thinks that can all be done from one story. Ms. Lubin has been a resident of West Orange for a little under three years and it's really disheartening to her to see the lack of regard for the local neighbors, such as not contacting them to take a look at their property that this proposition impacts. Ms. Lubin states that it's disheartening that Jonathan Barton's property was not considered when looking at the building heights, that it was omitted. And it's disheartening that the shadow that this building is going to cast is not at all a consideration when during this last meeting, it was brought up wanting to see the impact of the shadow on the property by raising it another story. All of these things are now being minimized and it makes her question her investment in this town. It makes her sad to hear that their voices and financial investments are being minimized.

APPLICANT'S RESPONSE TO PUBLIC COMMENT

- Mr. Cox said he hears all the residents and their concerns. He's been in West Orange since he was 13 years old. He has made some investments in West Orange. One thing he notices about Main Street is that nothing has changed. Mr. Cox states he is coming here to help West Orange change Main Street. Unfortunately, Main Street at West Orange has had its fight against development. While every other community around it overdevelops and becomes very functional, Main Street has been stuck for quite some time. The only development that has been done was Edison Loft and that took over 10 years. And that building itself is immediately right in front of his building, much higher than his building and is a multifamily building. What he is looking for on Main Street is to buy everything that is available on Main Street and help Main Street change, have the ratables it needs, and have the housing it needs. If he could give them more affordable housing, that's what he is planning on doing. Unfortunately, this culture of stopping development in West Orange, he does not like it. They're coming here and fighting the good battle of making West Orange modern. They're not going to be happy with 1919 homes. They're historical and they serve a purpose, yes. But they're going to do everything they can to ensure that West Orange goes in the right direction that is comparable to other places that have local shops. Mr. Cox supports West Orange and moving forward with Main Street, moving forward with development and bringing Main Street to the modern era, which is 2025 and further.

CLOSING STATEMENT

- Mr. Zeberl gave a closing statement stating they're here seeking flexible C variance relief for three different things.
- One, the rear yard setback where 30 feet is required, 6.8 feet is provided. That's an existing non-conformity.
- Two, block coverage where 75% is permitted and 87.2% is provided. That's another existing non-conformity.
- Three, number of stories that are permitted where two and a half are permitted and they're proposing three.
- It's been heard from the representative of the property owner, Mr. Cox, their engineer, Donna Bullock, their architect, Jason Piest, their planner, John McDonough, and their traffic engineer, Patrick Downey.

- When looking for C variance relief, they have to show that the benefits of the application as a whole substantially outweigh the detriments. In this case, the application as a whole advances purpose A, G, I and M of the Municipal Land Use Law and Mr. McDonough testified that there were no detriments.
- While they did not provide a shadow study, that's not something that's required. It's nowhere in the township ordinance and they've heard no testimony from anyone that's qualified to present such testimony as to the impact of shadows on this property. For those reasons, they believe that they've satisfied the board to grant C variance relief.
- There was one comment in connection with the density and that comment should be disregarded as that was discussed and the town planner put his opinion on the record that a density variance was not required. Therefore, this board does have jurisdiction.
- It is requested that this application be granted.

BOARD COMMENTS

- Mayor McCartney said she understands the applicant is dealing with pre-existing conditions which were heard through the residents adjacent to the property. Mayor McCartney understands how difficult that is and hopes that what the applicant, Mr. Cox, stated that he would work with the adjacent property owner is true and will lead to an amicable resolution. Mayor McCartney appreciates Ms. Bullock showing the properties from the North and the South, even with the additional story it is still under the height requirement at 34 feet. However, it would still create shadows to the other buildings. Mayor McCartney appreciates the investments and improvements on Main Street.
- Mr. Alper states he thinks one of the harder things they do is weighing the benefits and detriments in a C variant situation. There are clear benefits to the community, especially property improvement. Mr. Alper thinks it would have been more helpful to have some sort of data of a shadow study such as knowing at what times the shadows are at their worst. Instead, they are having to go off more of a gut-sense of where things are and those frustrations are noted. Mr. Alper thinks there are real benefits to downtown.
- Councilwoman Scarpa said she is sorry that the concerns of the residents have been minimized and that no shadow study was completed to determine the effect on the neighbors only 10 feet away. Their valid concern as to the impact and the impairment of the value of their homes is a real concern. Councilwoman Scarpa states she cannot support this.

CONDITIONS

- See resolution for conditions.

Motion: Mr. Guarino

Second: Mr. Cardoza

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

Klein: ---	
Mayor McCartney: Y	

Meeting adjourned at 10:56 PM

ADOPTED:

Jamilet Baquerizo Vite
Planning Board Secretary