MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
September 2, 2026, 6:30 P.M.

The Township of West Orange Planning Board held a special meeting on September 2, 2026, at 6:30 P.M. via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 6:30 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 Planner Board regular meeting will be held **Wednesday, October 7, 2026 at 7:30 p.m.** via Zoom.
- The next Planner Board special meeting will be held **Wednesday, September 9, 2026 at 6:30 p.m.** via Zoom.

ROLL CALL

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

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

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Jamilet Baquerizo Vite, Planning Board Secretary;
Malvika Apte (Consultant Planner)
Mr. Greg Valesi (Consultant Engineer)

SWEARING IN

- The Township Professionals: Mr. Greg Valesi (Consultant Engineer) and Ms. Malvika Apte (Consultant Planner) were sworn under oath.

MINUTES & RESOLUTIONS

6-3-26-WO-PB-Draft-Minutes

Motion: Chairman Bagoff
Second: Mr. Guarino

Alper: Y	**Mayor McCartney: Y**

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

6-10-26-WO-PB-Draft-Minutes

Motion: Chairman Bagoff
Second: Mayor McCartney

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

6-24-26-WO-PB-Draft-Minutes

Motion: Chairman Bagoff
Second: Mr. Morgan

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

PB-25-09-Perez-Minor-Subdivision-Draft-Resolution

Motion: Chairman Bagoff
Second: Mr. Guarino

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

PB-25-12-262-270-Main-Street-Draft-Resolution

Motion: Chairman Bagoff
Second: Mayor McCartney

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

EXECUTIVE SESSION

- Chairman Bagoff read the resolution pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-12, authorizing the exclusion of the public to discuss pending litigation involving the Builder's Remedy proposal for Application PB24-06, 410 Main Street, Block 113, Lots 262, 264, and 308, and West Essex Highlands, Inc., Application PB24-01, Block 179, Lot 32.
- Chairman Bagoff stated that the matters discussed would be made public upon the conclusion of litigation, that the Board would reconvene in open session following executive session, and that the resolution would take effect immediately.

MASTER PLAN CONSISTENCY REVIEW

- Master-Plan-Consistency-Memo_76-80-Main-Street-Redevelopment-Plan 80-Main-Street-Redevelopment-Plan
  Ordinance-2977-26_80-Main-Street-RDP

- Chairman Bagoff introduced the Master Plan Consistency Review for the 76–80 Main Street Redevelopment Plan, Ordinance 2977-26, and invited Ms. Apte to present her findings.
- Ms. Apte presented the Master Plan Consistency Review for the redevelopment plan prepared by her office and dated May 14, 2026.
- She explained that the property, located at 76–80 Main Street, immediately north of Town Hall, is identified as Block 88, Lot 17, consists of approximately 3.39 acres, and contains an existing five-story office building surrounded by parking.
- Ms. Apte explained that suburban office buildings have faced increasing challenges over the years, particularly following COVID-19, due to remote work trends and rising tenancy costs.
- She stated that the redevelopment plan is intended to revitalize the existing building by introducing additional commercial uses while maintaining its primary office function.
- Ms. Apte stated that the Township Council conducted a township-wide Area in Need of Rehabilitation study in 2021 and subsequently designated the entire Township as an Area in Need of Rehabilitation.
    - The proposed redevelopment plan was prepared pursuant to that designation.
- Ms. Apte outlined the three primary objectives of the redevelopment plan:
    - introducing additional permitted uses

    - maintaining the existing office building
    - encouraging renovation and activation of ground-floor commercial spaces.
- Ms. Apte explained that the redevelopment plan would continue to permit general, medical, and professional offices, as well as art galleries, art studios, and banks
- Additional ground-floor uses would include fitness centers, massage establishments, microbreweries, wineries, retail establishments, experiential retail, workshops, and restaurants.
- Accessory uses would include outdoor cafes and certain video or amusement arcades.
- Ms. Apte stated that the proposed bulk standards reflect the property's existing development, including its five-story height and current building and lot coverage.
- She explained that the plan does not seek to increase the building's existing scale but instead focuses on rehabilitation and introducing compatible uses.
- Ms. Apte explained that the redevelopment plan also incorporates updated design standards addressing outdoor cafe seating, buffering, landscaping, signage, and parking.
    - She emphasized the importance of revitalizing the property because of its prominent location along Main Street, a significant corridor in West Orange.
- Ms. Apte explained that, pursuant to the Local Redevelopment and Housing Law, the Planning Board is responsible for reviewing the redevelopment plan and determining whether it is consistent with the Township's Master Plan.
    - The Board's recommendation would then be transmitted to the Township Council, which has the authority to adopt the redevelopment plan by ordinance.
- Ms. Apte stated that the redevelopment plan is substantially consistent with the Township's 2019 Master Plan Update.
- She explained that the Master Plan recommends modifying permitted commercial uses to reflect changing retail markets, accommodating emerging businesses such as microbreweries and wineries, and encouraging varied nonresidential uses that complement one another and support economic development.
- Ms. Apte concluded that the redevelopment plan would encourage greater activity, economic development, and commercial vibrancy by allowing a broader range of uses within the existing building.
- She recommended that the Planning Board determine that the redevelopment plan is substantially consistent with the goals and objectives of the 2019 Master Plan.

BOARD QUESTIONS

- Mr. Guarino asked whether future plans would be submitted showing the proposed appearance of the property and its anticipated uses. Ms. Apte explained that, once adopted, the redevelopment plan would function as the governing ordinance for the property. Future applicants would be required to submit site plans for Planning Board approval and comply with the permitted uses and applicable standards established by the redevelopment plan. Any necessary deviations would require appropriate approvals.
- Mr. Guarino noted that the building currently contains a bank on the first floor and asked whether that use would remain permitted. Ms. Apte confirmed that banks would continue to be permitted under the redevelopment plan.
- Mr. Guarino asked whether the redevelopment plan would incorporate Complete Streets principles, pedestrian safety, and improved walkability. Ms. Apte confirmed that the design standards encourage these considerations and stated that pedestrian accessibility and related improvements would be addressed during future site plan reviews.
- Mr. Alper expressed concern about allowing massage establishments, noting that redevelopment plan regulations would apply to the property regardless of future changes

in ownership. He suggested that the language be reviewed and tightened to prevent potentially undesirable uses.

- Mr. Alper also raised concerns regarding the definition of experiential retail, particularly indoor virtual simulations and group activities. He stated that new business concepts could potentially fall within the definition in ways that were not originally anticipated. He suggested considering additional safeguards or case-by-case review of certain uses.
- Mr. Alper recommended that princess cafes be specifically included as an example of experiential retail, noting that there is demand for this type of establishment in the area. Ms. Apte explained that the redevelopment plan includes comprehensive definitions of the proposed uses and agreed to review the recommendation to include princess cafes.
- Mr. Alper questioned whether the redevelopment plan should incorporate the existing Township ordinance definitions for all permitted uses, rather than relying on definitions that could change through future ordinance amendments. He suggested including the current definitions in the redevelopment plan to avoid unintentionally expanding or changing permitted uses in the future. Ms. Apte explained that uses already defined in the Township's zoning ordinance would generally rely on those existing definitions. Mr. Alper reiterated that incorporating the current definitions directly into the redevelopment plan could provide greater certainty and protect against unintended future changes.
    - Chairman Bagoff suggested that identifying specifically prohibited uses might be more practical than attempting to define every acceptable use. Chairman Bagoff also discussed recreational uses such as indoor pickleball, indoor golf, and video arcades.
- Mr. Alper noted that the redevelopment plan's arcade provisions appeared to permit certain arcade activities only when associated with a restaurant, potentially allowing an establishment similar to Dave & Buster's while restricting standalone traditional arcades.
- Mr. Alper asked whether the definition of medical offices would include urgent care facilities. Ms. Apte explained that the proposed definition includes facilities providing diagnostic, therapeutic, preventive, medical, dental, psychological, and related outpatient treatment. She clarified that such facilities would serve ambulatory patients and would not permit inpatient care or major surgical procedures. Based on that definition, urgent care facilities could potentially qualify as a permitted medical office use.
    - Mr. Alper suggested that the Board consider excluding urgent care facilities from the redevelopment plan. He explained that the purpose of introducing new commercial uses was to encourage visitors to patronize restaurants, retail establishments, and other businesses. He expressed concern that individuals visiting urgent care facilities due to illness or injury would be less likely to visit surrounding businesses.
- Mr. Alper also questioned whether incorporating the Township's existing outdoor cafe licensing requirements would prohibit outdoor music or restrict establishments from opening windows or doors while indoor music was playing. He expressed concern that these restrictions could discourage the types of restaurant and entertainment uses the redevelopment plan was intended to attract.
    - Chairman Bagoff stated that an applicant seeking to provide outdoor music might need to request a variance. Mr. Alper emphasized that the Township should encourage desirable outdoor cafe and entertainment uses rather than impose unnecessary restrictions.
- Mayor McCartney asked whether massage establishments could be prohibited under the redevelopment plan if they were permitted elsewhere in the Township. Ms. McGovern explained that the redevelopment plan could establish site-specific permitted and prohibited uses, regardless of the uses allowed in other zoning districts.

    - Ms. Apte confirmed that the redevelopment plan would apply only to the subject property and that existing zoning regulations would continue to govern other properties throughout the Township.

BOARD COMMENTS

- Council President Scarpa expressed agreement with Mr. Alper's concerns regarding the proposed uses and supported excluding massage parlors and urgent care facilities. She clarified that she supported outdoor cafes and did not want those establishments excluded.
- Ms. McGovern confirmed that the proposed outdoor cafe recommendation was intended to allow music with appropriate restrictions, potentially including decibel limitations. Chairman Bagoff agreed that the recommendations should be included for consideration.
- Ms. McGovern summarized the proposed modifications as including princess cafes as a permitted use, excluding urgent care facilities and massage parlors, and allowing outdoor cafe music subject to appropriate limitations.
- Chairman Bagoff recommended that pawn shops also be expressly prohibited. Ms. Apte noted that pawn shops were not included among the proposed permitted uses. Council President Scarpa supported specifically identifying them as prohibited.
- Mr. Guarino requested further clarification regarding the proposed exclusion of urgent care facilities. He questioned why the Board would prohibit a potentially beneficial healthcare use, particularly given the property's location and the needs of nearby residents.
    - Mr. Alper explained that his concern was primarily related to the redevelopment plan's economic development objectives. He distinguished urgent care facilities from traditional medical offices, stating that individuals visiting a medical office for routine appointments might also visit nearby businesses, while individuals seeking urgent medical treatment would be less likely to do so.
- Mr. Guarino stated that residents living near the property could benefit from having an accessible urgent care facility in the downtown area. He noted that other urgent care options were located farther away, including along Eagle Rock Avenue near Prospect Avenue. He emphasized that redevelopment should consider the needs and well-being of surrounding residents in addition to economic development objectives.
- Mayor McCartney observed that the discussion reflected two different considerations: encouraging commercial uses that support one another within the building and addressing the broader healthcare needs of the community.
    - She stated that Mr. Alper appeared to be focused on the retail and commercial objectives of the redevelopment plan, while Mr. Guarino was considering the benefits to the surrounding community.
- Mr. Alper reiterated that his recommendation was intended to maintain a stronger retail focus. Mr. Guarino acknowledged the explanation

APPLICATIONS

- **PB-26-03 Crestmont Country Club**
  750 Eagle Rock Avenue
  Block: 174 Lot: 1.01 Zone: R-2
  The applicant is proposing the installation of a traffic signal at the intersection of Eagle Rock Avenue and Oval Road. Modifications to the existing driveway and parking area are also being proposed.

PRESENTATION

- Mr. Richard Schkolnick, Esq., appearing on behalf of the applicant, explained that the application is for site plan approval with several C variances.
- He stated that the property is located in the R2 zone, the existing use is permitted, and no new buildings are proposed.
- The application includes 32 new parking spaces and a new exit for Crestmont Country Club that would align with Oval Road, creating a four-way intersection along Eagle Rock Avenue.
- Mr. Schkolnick stated that the proposed improvements include widening Eagle Rock Avenue, new grading, stormwater management, significant landscaping improvements, and a traffic signal intended to create a safer intersection.
- He also confirmed that the applicant had agreed during the previous hearing to install a sidewalk along Eagle Rock Avenue and had no objections to the review letters prepared by the Board's professionals.
- Mr. Schkolnick provided a recap of the previous hearings, beginning with June 3, 2026.
    - He stated that Ms. Dana Cancellaro, General Manager and Chief Operating Officer of Crestmont Country Club, testified regarding the need for additional parking for club members and the challenges associated with the existing driveway, including its slope and difficult left-hand turns.
    - She also discussed the club's desire for safety improvements and the potential for eminent domain, explaining that the proposal represented a reasonable, practical, and cooperative approach to addressing complex issues involving the Township and potential condemnation of the club's property.
    - Mr. Schkolnick stated that the Board previously heard testimony from Mr. John Cote, P.E., the applicant's civil engineer, who presented an aerial photograph and discussed the site improvements
    - Mr. Carl Penke, the applicant's traffic expert, who addressed the geometry of the proposed four-way intersection, difficult turning movements, private investment in the traffic signal, widening of Eagle Rock Avenue, left-hand turns, crosswalks, ramps, sidewalks, and existing grading challenges. Mr. Penke also discussed previous efforts involving the County Planning Board to improve this section of Eagle Rock Avenue.
    - Mr. Schkolnick explained that the July 1, 2026 hearing included extensive cross-examination of Mr. Penke, followed by approximately 20 minutes of testimony from Mr. Cote regarding the civil engineering plans.
    - He stated that the current hearing would continue with cross-examination of Mr. Cote, followed by testimony from the applicant's planner as the final witness.

BOARD QUESTIONS

- Ms. Kapferer referred to the April 24, 2026 Artheon review letter, which included comments concerning the geotechnical report and the depth to seasonal high groundwater. She asked whether additional testing had been performed, noting a potential conflict between the seasonal high groundwater elevation and the bottom of the proposed stormwater basin. Mr. Cote explained that testing had been performed at or near both proposed basins to evaluate seasonal high groundwater conditions. He also stated that the site contained Class D soils, which do not permit adequate infiltration.

    - Mr. Cote explained that because of the Class D soils, the proposed bioretention basins would filter stormwater through the bioretention media and then discharge the treated water through an outlet rather than infiltrating it into the ground.
- Ms. Kapferer asked specifically whether the concern regarding seasonal high groundwater being higher than the bottom of the basin had been resolved. Mr. Cote stated that, to his knowledge, the issue had been resolved through the geotechnical review. He also confirmed that the applicant would address the comments and provide responses as part of the review process.

PROFESSIONAL QUESTIONS

- Ms. Apte asked Mr. Cote to confirm that he had received and reviewed the planning review letter dated June 3, 2026, and that the applicant agreed to comply with the comments contained in the letter. Mr. Cote confirmed that the applicant would comply.
- Mr. Valesi asked Mr. Cote whether the applicant had reviewed the engineering report and agreed to comply with all comments. Mr. Cote confirmed that the applicant would comply with the report.

PUBLIC QUESTIONS

- Mr. Joe Panullo of Holton Lane, Essex Fells, asked whether any portion of the site, proposed modifications, or stormwater runoff was located within a Water Quality Management Plan area. Mr. Cote explained that the entire site, along with the Township, is included within the Water Quality Management Plan for purposes of public sanitary sewer service. He clarified that stormwater management is governed by applicable NJDEP and Township regulations.
- Mr. Panullo asked whether the Water Quality Management Plan covered a broader area beyond the subject property. Mr. Cote confirmed that the plan was not limited to the site
- Mr. Panullo also asked whether the property was located within a watershed, and Mr. Cote confirmed that it was.
- Mr. Panullo asked whether any NJDEP permits were required, submitted, or anticipated for the project. Mr. Cote stated that no NJDEP permits were required because the proposed improvements would not disturb any areas under NJDEP jurisdiction.
- Mr. Panullo asked about the direction of stormwater runoff from the site. Mr. Cote explained that a watershed divide runs approximately through the middle of the project. Stormwater from one portion of the site flows toward the Eagle Rock Avenue and Laurel Avenue intersection, while stormwater from the other portion flows east along Eagle Rock Avenue into the existing County roadway drainage system.
- Mr. Panullo asked whether any stormwater would flow north across Eagle Rock Avenue toward the golf course and Pleasantdale Chateau. Mr. Cote stated that the project's stormwater flows east and west through the existing conveyance systems and does not flow north toward those properties.
- Mr. Panullo asked how water flowing toward Canoe Brook and across Laurel Avenue or Eagle Rock Avenue would be handled. Mr. Cote explained that the project addresses existing sheet flow from the site, which currently drains downhill toward Eagle Rock Avenue without detention. He stated that the applicant is proposing stormwater detention facilities to control and slow the runoff.
- Mr. Panullo questioned how stormwater from the elevated parking lot and country club property could flow east and west rather than north. Mr. Cote explained that the crown of Eagle Rock Avenue creates an east-west distribution of water, similar to the peak of a gabled roof, with runoff flowing in opposite directions from the high point.

- Mr. Panullo asked where the proposed driveway would be located in relation to the high point of the roadway. Mr. Cote explained that the proposed four-way intersection at Oval Road would be located just east of the peak where stormwater flows divide east and west.
- Mr. Panullo asked about the sidewalk requested by the Board during the previous hearing and whether it would be installed on both sides of the proposed driveway. Mr. Cote clarified that the sidewalk was requested along the Crestmont Country Club side of Eagle Rock Avenue, extending to both the left and right of the proposed driveway. He stated that the sidewalk would be located along Eagle Rock Avenue and would not extend along Laurel Avenue or into the interior of the property.
- Mr. Panullo asked whether the sidewalk would increase the grade or slope of the property. Mr. Cote explained that the sidewalk had been incorporated into the approximately 10-foot-wide clear area proposed alongside the widened roadway. He stated that the sidewalk would be installed within that relatively flat area and would not require changes to the existing site grades.
- Mr. Panullo asked whether Mr. Cote's testimony was limited to stormwater management. Mr. Cote clarified that his responsibilities included site civil engineering, drainage, and site layout design, but not the traffic engineering elements of the application.
- Dr. Deborah Butensky of 11 Rapley Court asked Mr. Cote to repeat the grade of the proposed new driveway. Mr. Cote stated that the driveway would have an approximately 8.5% grade along its main portion, transitioning to approximately 5% at the Eagle Rock Avenue intersection and approximately 3% near the upper parking lot.
- Dr. Butensky asked about the speed limit on the proposed driveway. Mr. Cote explained that the driveway would be an internal driveway without a posted speed limit, although approximately 15 miles per hour would be typical for that type of driveway.
- Dr. Butensky asked how converting the existing T-intersection at Oval Road and Eagle Rock Avenue into a four-way intersection would affect the safety of drivers exiting Oval Road and traveling east or west. Mr. Cote stated that the applicant's traffic engineer had previously testified regarding the additional safety improvements associated with the proposed intersection. He explained that the detailed traffic analysis was outside the scope of his civil engineering testimony.
- Dr. Butensky asked why the existing driveway needed to be relocated. Mr. Cote explained that the current driveway intersects Eagle Rock Avenue at a sharp angle, making left-hand turns difficult because drivers must turn their heads more than 90 degrees to observe oncoming traffic. He stated that the proposed driveway would intersect Eagle Rock Avenue perpendicularly, providing improved sightlines and allowing vehicles to enter and exit through a signalized intersection.
- Dr. Butensky asked how the new driveway would affect sightlines for drivers traveling eastbound on Eagle Rock Avenue from Laurel Avenue. Mr. Cote stated that the proposed improvements would not negatively affect those drivers. He explained that widening Eagle Rock Avenue, providing an additional left-turn lane, and clearing an approximately 10-foot-wide area alongside the roadway would improve visibility and the sight triangle at the intersection.
- Dr. Butensky requested further clarification regarding the proposed left-turn lane into Oval Road. Mr. Cote explained that vehicles traveling along Eagle Rock Avenue toward Oval Road would have a designated left-turn lane, allowing turning vehicles to move outside the through lanes. He stated that the additional lane would reduce interference with through traffic and improve the existing roadway conditions.
- Dr. Butensky asked what proof the applicant had that the proposed intersection would not create additional traffic accidents. Mr. Cote stated that the applicant's traffic engineer had already provided testimony and supporting documentation addressing the proposed safety

improvements and that those materials had been reviewed by the Township. He reiterated that his role was to respond to questions concerning civil engineering and site design rather than repeat the traffic engineer's testimony.

- Dr. Butensky asked for clarification on how the proposed driveway of approximately 8% grade couldn't be dangerous during winter conditions. Mr. Cote explained that an 8% grade is acceptable under applicable standards and that certain standards could permit grades of up to 12%.
- Mr. Paul Tractenberg of 96 Sullivan Drive, referred to a March 17, 2026 letter from Mr. Schkolnick to the Planning Board Secretary and the Planning Board. He stated that the letter identified several items for which the applicant was seeking relief from Township ordinance requirements governing the R2 zone.
- Mr. Tractenberg first questioned the proposed retaining wall height, noting that the ordinance permits a maximum height of 4 feet while the applicant proposes a retaining wall approximately 21.5 feet high, more than five times the permitted height. He asked Mr. Cote to explain the justification for such a substantial deviation. Mr. Cote explained that the proposed retaining wall is located in conjunction with the stormwater management basin required to attenuate runoff from the site. He stated that the wall height is necessary to accommodate the stormwater management infrastructure while maintaining reasonable grades in the upper parking lot.
- Mr. Tractenberg next questioned the minimum setback from the top of steep slopes having grades between 10% and 30%. He stated that the ordinance requires a 50-foot setback while the applicant proposes a 10-foot setback. He asked whether this reduction would create any safety concerns. Mr. Cote stated that he did not believe the proposed setback would create a safety issue. He explained that the design was intended to minimize disturbance to the property and avoid removing additional trees. He stated that providing the full setback would require further tree removal and that the applicant had been directed to minimize impacts on existing trees while providing replacement plantings for disturbed areas.
- Mr. Tractenberg also questioned the applicant's request for a site plan waiver concerning tree removal on slopes of 10% or greater. He stated that the application proposes removing 191 trees located on slopes of 10% or greater. Mr. Cote confirmed that the number was accurate.
- Mr. Tractenberg asked whether Mr. Cote believed that the proposed tree removal was justified. Mr. Cote stated that the removals were associated with the positioning of the proposed improvements, the need to connect the site improvements to existing grades, and the installation of drainage structures necessary to mitigate stormwater runoff and improve drainage along Eagle Rock Avenue. He explained that the affected portions of the property are located near Eagle Rock Avenue and within areas having slopes of 10% or greater.
- Mr. Tractenberg next questioned the minimum setback from the top of steep slopes exceeding 30%. He stated that the ordinance requires a 100-foot setback while the applicant proposes a 10-foot setback. Mr. Cote confirmed that the proposed reduction was justified for the same reasons previously discussed, including minimizing disturbance and accommodating the proposed infrastructure and site improvements.
- Mr. Tractenberg questioned whether all of the requested ordinance deviations were being sought to add parking spaces and reconfigure the exit from a private country club. He referred to 36 additional parking spaces and stated that the existing parking lot was already hundreds of spaces short of the ordinance requirement. Mr. Cote confirmed that the requested deviations were associated with the parking and driveway improvements

- Mr. Kevin Malanga of Ridge Road asked Mr. Cote whether a complete and accurate survey of trees proposed for removal was required for the project. Mr. Cote confirmed that a tree survey had already been completed and that the trees proposed for removal were identified on the submitted plans.
- Mr. Malanga asked whether the applicant had agreed to construct a sidewalk along Eagle Rock Avenue from Laurel Avenue eastward to the end of the Crestmont Country Club property. Mr. Cote confirmed that this was correct.
- Mr. Malanga asked whether a tree removal survey had been prepared for the proposed sidewalk and whether those trees were included in the applicant's tree removal calculations. Mr. Cote explained that the sidewalk would be constructed within the area of disturbance already included in the original design and that all affected trees had already been accounted for. He confirmed that the sidewalk would not require the removal of any additional trees.
- Mr. Malanga asked whether the proposed sidewalk would comply with the Americans with Disabilities Act. Mr. Cote stated that the sidewalk would comply with the Public Right-of-Way Accessibility Guidelines (PROWAG), which establish accessibility requirements for pedestrian facilities within public roadways.
- Mr. Malanga asked whether the applicant had surveyed the property to confirm that the sidewalk could be constructed in compliance with those requirements. Mr. Cote confirmed yes
- Mr. Malanga asked whether that determination had been made before the Board requested the sidewalk at the previous hearing. Mr. Cote explained that the sidewalk had not originally been anticipated, but the grades and clear areas established through the original survey and site design were sufficient to incorporate it without requiring changes to the proposed grading.
- Mr. Malanga asked whether the applicant understood that it would be responsible for maintaining the sidewalk, including snow removal. Mr. Cote stated that it was his understanding that the applicant would be responsible.
    - Mr. Schkolnick clarified that the sidewalk maintenance responsibilities had not yet been finalized.
    - Mr. Cote explained that Eagle Rock Avenue is a County road and that maintenance responsibilities would ultimately depend on the agreements reached with the County.
- Mr. Malanga again asked whether the applicant would be responsible for snow removal and sidewalk maintenance. Mr. Cote reiterated that he understood the applicant would be responsible, although he could not provide a definitive answer until the agreements with the County were completed. He stated that he did not anticipate a reason why the applicant would not be responsible.
- Mr. Malanga asked Mr. Cote whether any retaining walls would need to be constructed for the proposed sidewalk along Eagle Rock Avenue. Mr. Cote explained that a retaining wall was already included as part of the original roadway widening and that no additional retaining walls would be required for the sidewalk.
- Mr. Victor Misarti of Mayfair Drive, referred to two site plan review letters available on the Planning Board agenda. He first referenced an April 2026 review letter from Planning Board Engineer Ryan McNeil, which included comments regarding design, stormwater management, landscaping, and additional information required from the applicant. Mr. Misarti asked whether the applicant intended to revise and resubmit the site plans to address those comments, noting that he had not seen revised plans submitted since the review. Mr. Cote confirmed that the applicant had agreed to address the questions and comments contained in the review letters and that a resubmission would be required.

    - Mr. Schkolnick clarified that addressing those comments would be a matter of resolution compliance.
- Mr. Misarti also referenced Ms. Apte's June 2026 planning review letter, which contained comments regarding landscaping, trees, fences, additional information, approvals from other agencies, and required variances. He asked whether those comments would also be incorporated into the revised site plans. Mr. Cote confirmed that the applicant had agreed to address Ms. Apte's comments as part of resolution compliance.
- Ms. Micaela Bennett of Old Indian Road asked Mr. Cote to explain what existing condition or engineering deficiency made the proposed new traffic signal necessary. Mr. Cote explained that the traffic-related safety elements had already been addressed through testimony from the applicant's traffic engineer. He stated that, from a civil engineering standpoint, the project would improve existing drainage conditions along Eagle Rock Avenue.
- Ms. Bennett asked how much additional impervious surface would be created by the proposed driveway, parking, and roadway improvements. Mr. Cote stated that the project would create approximately 12,000 square feet of additional impervious surface on-site, slightly more than one-quarter acre, and approximately 9,900 square feet of additional impervious surface off-site along Eagle Rock Avenue. He stated that the total additional impervious surface would be approximately one-half acre.
- Ms. Bennett requested the existing and proposed stormwater runoff rates for the 2-year, 10-year, 25-year, and 100-year storm events. Mr. Cote explained that the stormwater analysis was divided into two areas, with one discharge point near the intersection of Eagle Rock Avenue and Laurel Avenue and the other at the eastern end of the site. He stated that the calculations considered both current storm events and future storm events based on projected conditions for the year 2100. Mr. Cote provided the following existing and proposed peak flow rates for Point of Analysis 1, located near Eagle Rock Avenue and Laurel Avenue, under current storm conditions:
    - 2-year storm: 13.48 cubic feet per second (CFS) existing and 11.32 CFS proposed.
    - 10-year storm: 23.47 CFS existing and 19.76 CFS proposed.
    - 100-year storm: 44.56 CFS existing and 38.87 CFS proposed.
- Mr. Cote provided the following rates for Point of Analysis 1 under future storm conditions:
    - 2-year storm: 16.83 CFS existing and 14.07 CFS proposed.
    - 10-year storm: 29.21 CFS existing and 24.77 CFS proposed.
    - 100-year storm: 58.39 CFS existing and 53.61 CFS proposed.
- Mr. Cote provided the following existing and proposed peak flow rates for Point of Analysis 2, located at the other end of the site, under current storm conditions:
    - 2-year storm: 9.63 CFS existing and 5.67 CFS proposed.
    - 10-year storm: 17.05 CFS existing and 10.31 CFS proposed.
    - 100-year storm: 37.74 CFS existing and 23.96 CFS proposed.
- Mr. Cote provided the following rates for Point of Analysis 2 under future storm conditions:
    - 2-year storm: 11.97 CFS existing and 7.27 CFS proposed.
    - 10-year storm: approximately 21.2 CFS existing and 14.02 CFS proposed.
    - 100-year storm: 42.47 CFS existing and 31.63 CFS proposed.
- Ms. Bennett asked where stormwater from the modified site would discharge. Mr. Cote explained that the proposed stormwater connections would be located within Eagle Rock Avenue, with pipes running east and west of Oval Road and connecting to the existing County stormwater drainage system near the limits of the project.

- Ms. Bennett asked whether additional runoff volume, velocity, or concentration would ultimately reach neighboring residential properties. Mr. Cote explained that current stormwater design standards focus on controlling the rate of discharge rather than the total volume. He acknowledged that the additional impervious surface would increase runoff volume but stated that the proposed detention systems would reduce discharge rates in accordance with NJDEP and Township requirements.
- Ms. Bennett asked whether the stormwater analysis accounted for current rainfall conditions and increasingly intense future storm events or relied solely on historical design assumptions. Mr. Cote confirmed that the analysis included both current and future storm events, as reflected in the runoff calculations he had previously provided.
- Ms. Bennett asked where stormwater would go if the proposed detention system exceeded its design capacity. Mr. Cote explained that both basins would have outfall spillways directing excess water onto Eagle Rock Avenue. He stated that, during storms exceeding the system's capacity, the water would flow to the same locations where runoff currently flows, without changing the existing discharge points.
- Ms. Bennett asked whether the need for the proposed improvements, or the conditions creating that need, had been anticipated when Crestmont Country Club received its 2023 and 2024 approvals. Mr. Cote stated that he could not address that question because he had not been involved in those applications.
- Ms. Bennett asked whether Mr. Cote had reviewed the previous applications. Mr. Cote stated that he was familiar with the improvements involving pickleball facilities and a building near the parking lot, but those applications had been prepared by a different engineer.
- Ms. Bennett asked whether any of the improvements currently before the Planning Board had been discussed, contemplated, or required as part of the 2023 Planning Board approval or the 2024 Zoning Board approval. Mr. Cote stated that he did not know and was not aware of whether those improvements had been considered during the earlier applications.
- Ms. Bennett asked whether any conditions had changed since those approvals that would make the current improvements necessary. Mr. Cote stated that this was more of an operational question than an engineering question and that he could not answer it.
- Ms. Bennett asked whether the current application was intended to correct an unforeseen consequence of previously approved development or uses. Mr. Cote stated that he was not aware of any such consequence.
- Mr. Lawrence Cohen of 20 Lincoln Avenue asked Mr. Cote for his professional opinion regarding the existing country club driveway, which had been used for many years. He questioned whether the original driveway location had been a reasonable decision, given the visibility to the left and right and its long history of use. Mr. Cote stated that he could not comment on the reasoning behind the original driveway design because he was not familiar with its history. However, he stated that the existing driveway's alignment was not appropriate for vehicles exiting the property
- Mr. Cohen asked whether the original driveway might have been selected because of its sightlines, seclusion, and privacy for the country club. Mr. Cote reiterated that he did not know the reasons behind the original design.
- Mr. Cohen also questioned the steepness of the existing driveway, and Mr. Cote stated that the grade varied along its length.
- Mr. Seth Weisleder of 17 Howell Drive, asked Mr. Cote to explain the existing stormwater runoff problem along Eagle Rock Avenue and how the proposed application would address it. Mr. Cote explained that stormwater currently runs from the property onto Eagle Rock Avenue without being controlled by a detention system. He stated that

the proposed improvements would capture the runoff and slow its discharge. He also explained that the existing drainage pipes along Eagle Rock Avenue were designed before current stormwater regulations and that the project would provide an opportunity to upgrade those pipes to meet today's standards.

- Mr. Weisleder questioned whether the proposed drainage improvements would affect only a small portion of Eagle Rock Avenue rather than improving the entire roadway. Mr. Cote confirmed that the improvements would be limited to the portion of Eagle Rock Avenue within the project's work area.
- Mr. Weisleder asked what specific existing problem justified the drainage improvements and whether there was data or a study showing the need for the work. Mr. Cote explained that the existing drainage system is substandard under current stormwater regulations because its conveyance structures were not designed to accommodate the increased flow rates now required for current storm events.
- Mr. Weisleder asked how much of Eagle Rock Avenue would be improved. Mr. Cote stated that the improvements would extend from Laurel Avenue at the western end to the eastern end of the Crestmont Country Club property, within the limits of the applicant's work.
- Mr. Weisleder asked whether the retaining walls, grading, and stormwater improvements would still be necessary if Crestmont Country Club were not adding the additional parking spaces. Mr. Cote explained that the retaining walls were associated with maintaining appropriate grades for the parking lot, while the stormwater detention systems would also be required because of the proposed widening of Eagle Rock Avenue and the additional turning lanes.
- Mr. Weisleder asked whether the stormwater improvements for the parking lot and the roadway could be completed separately. Mr. Cote explained that the stormwater management required for the roadway improvements had been combined with the stormwater management for the parking lot into one system. He acknowledged that different components could be designed independently but stated that the current application addressed the improvements together.
- Mr. Weisleder asked whether the widening and regrading of Eagle Rock Avenue were primarily being undertaken because of the new exit and traffic signal or whether the improvements would have been required regardless. Mr. Cote stated that the work had been requested in connection with the installation of the traffic signal associated with the settlement agreement. He also stated that, based on discussions involving the applicant's traffic engineer, he understood that the County supported the project.
- Mr. Weisleder asked whether the applicant had considered alternative parking lot layouts that could provide additional spaces without requiring as much grading, retaining wall construction, tree removal, or work along Eagle Rock Avenue. Mr. Cote stated that the applicant had considered the design and developed the proposed layout to minimize impacts.
- Mr. Weisleder asked why the applicant could not relocate or redesign the driveway and parking lot differently to address visibility and alignment concerns without the other proposed site changes. Mr. Cote reiterated that alternative designs could result in greater impervious surface, additional tree removal, and increased disturbance to steep slopes. He stated that the proposed design was the most suitable option developed to minimize those impacts.
- Mr. Weisleder asked whether Crestmont Country Club would become responsible for assisting the County with stormwater management because of the additional runoff associated with the project. Mr. Cote stated that the County would benefit from the

proposed improvements because the applicant would be upgrading existing substandard drainage pipes and roadway drainage structures.

- Mr. Weisleder asked whether the project would affect West Orange's stormwater containment or control. Mr. Cote explained that the proposed stormwater design complies with applicable requirements for reducing post-development discharge rates and would improve downstream receiving conditions.
- Mr. Justin Goldsman of Moran Road asked Mr. Cote about the capacity of a standard bioretention basin to absorb or prevent stormwater runoff. Mr. Cote explained that the bioretention component of the basin is primarily intended for water quality rather than water quantity.
- Mr. Goldsman asked whether the bioretention basin also plays a role in reducing runoff and requested an estimate of its capacity. Mr. Cote explained that each basin is designed differently and that the proposed system was designed to meet stormwater discharge requirements. He referenced reducing the 2-year storm discharge rate to 50%, the 10-year storm discharge rate to 75%, and the 100-year storm discharge rate to 80% of the applicable existing rates.
- Mr. Goldsman asked whether Mr. Cote could estimate how many trees would provide the equivalent stormwater management capacity of the proposed bioretention basins. Mr. Cote stated that he had no way to make that comparison and reiterated that the project had been designed to meet the required discharge reductions for both current storm conditions and projected future storm conditions for the year 2100.
- Mr. Goldsman asked whether questions concerning wildlife should be directed to a subsequent witness. Mr. Cote stated that he was not certain how those questions would be addressed during the application.
- Mr. Panullo referred to Ms. Bennett's earlier questions concerning the stormwater system and asked Mr. Cote to clarify his statement that certain stormwater conditions would remain the same as they are today. Mr. Cote explained that his earlier statement concerned what would happen if a storm exceeded the capacity of the proposed detention basins. He stated that excess stormwater would flow into the same drainage systems and locations along Eagle Rock Avenue that currently receive runoff. He emphasized that the project would not redirect stormwater to different watersheds or other areas of the Township.
- Mr. Panullo asked whether Mr. Cote could address the widths of the proposed driveway, roadway, and sidewalks as part of his civil engineering testimony. Mr. Cote stated that the proposed country club driveway would be 24 feet wide and would function as an exit-only driveway, with two 12-foot lanes leading to the proposed traffic signal at Eagle Rock Avenue. He explained that the roadway lane widths had been addressed by the traffic engineer and would comply with County requirements.
- Mr. Panullo asked where the widening of Eagle Rock Avenue would occur. Mr. Cote explained that the widening would take place entirely along the Crestmont Country Club side of Eagle Rock Avenue, using the frontage of the country club property to accommodate the additional roadway width.
- Mr. Panullo asked whether the widening was intended to provide one additional lane. Mr. Cote explained that the widening would accommodate a center left-turn lane serving Oval Road at the proposed signalized intersection.
- Mr. Panullo asked Mr. Cote to confirm that the land necessary to widen Eagle Rock Avenue along the Crestmont Country Club frontage would come from the country club property. Mr. Cote confirmed that this was correct.
- Mr. Panullo asked Mr. Cote how wide the proposed additional lane on Eagle Rock Avenue would be. Mr. Cote stated that the lane would be approximately 11 feet wide

- Mr. Panullo asked whether the sidewalk requested by Chairman Bagoff at the previous meeting would be constructed within the additional 11-foot roadway widening. Mr. Cote clarified that the 11 feet represented the asphalt widening. He explained that beyond the curb line, the County requires a cleared, relatively flat area, and the sidewalk requested by the Board could be accommodated within that area. The sidewalk would run along Eagle Rock Avenue from Laurel Avenue to the eastern end of the project or property limits.
- Mr. Panullo asked whether the sidewalk had already been accommodated in the plans submitted before the Board requested it. Mr. Cote stated that the sidewalk was requested after the design had been submitted and would be made a condition of the resolution. He explained that although the Township requested the sidewalk, the County would have jurisdiction over its final design.
- Mr. Panullo questioned whether the plans currently on file provided sufficient width for the sidewalk and related improvements. Mr. Cote explained that the proposed plans already accommodated the necessary width and grading. He stated that the area adjacent to the curb would already be leveled off and that the sidewalk could be installed without additional roadway widening or changes to the proposed grading.
- Mr. Panullo referred to Mr. Tractenberg's earlier questions concerning the proposed retaining wall, which substantially exceeds the height permitted by ordinance. He asked whether adding the sidewalk along the widened roadway and into the hillside would increase the height of the retaining wall. Mr. Cote stated that the retaining wall would not be affected by the addition of the sidewalk.
- Mr. Panullo asked about previous testimony indicating that a portion of the Crestmont Country Club property along Eagle Rock Avenue would be conveyed to the County. Mr. Cote confirmed that the proposed conveyance was shown on the plans.
- Mr. Panullo asked how much property would be conveyed. Mr. Cote stated that approximately 9,446 square feet of land along the Eagle Rock Avenue frontage would be conveyed to the County. He explained that the strip of land would extend along the frontage and vary in width depending on the roadway geometry.
- Mr. Panullo asked whether the land conveyed to the County would also accommodate utilities and infrastructure associated with the proposed traffic signal, including electrical power. Mr. Cote confirmed that the easements and improvements associated with the signalized intersection would be part of the overall process.
- Mr. Panullo asked whether blasting would be required for the proposed improvements. Mr. Cote stated that he was not aware at that time whether blasting would be necessary.
- Mr. Panullo asked whether a geotechnical study had been completed. Mr. Cote explained that a soils investigation had been performed for stormwater management purposes.
- Ms. Lori Hassell of 61 Lapis Circle, asked whether alternatives had been considered for relocating the Crestmont Country Club driveway farther along Eagle Rock Avenue toward the end of the property or farther along Laurel Avenue. She asked whether there were any negative or opposing reasons for not pursuing those alternatives instead of the proposed traffic signal and driveway alignment. Mr. Cote explained that the alternative driveway locations had previously been addressed in the traffic testimony provided by Mr. Penke.
    - Ms. Hassell clarified that she was asking from a civil engineering standpoint rather than a traffic standpoint.
        - Mr. Cote stated that the positioning of the proposed intersection was largely driven by traffic considerations and that the existing one-way entrance and exit configuration was related to the club's operations. He explained that his civil engineering review focused on grading, drainage,

and other site design elements rather than the operational or traffic-related decisions.

- Ms. Hassell asked whether there were any civil engineering reasons to reject alternative driveway locations. Mr. Cote stated that, from his civil engineering perspective, there was no benefit to the alternatives in terms of drainage, impacts to existing trees, or other site conditions.
- Ms. Hassell asked whether Mr. Cote had been directed to design the driveway at the proposed location rather than analyze other possible locations. Mr. Cote explained that he had analyzed the corridor in relation to the existing driveway, the proposed on-site improvements, stormwater management, and the connection to the proposed signalized intersection.
- Ms. Rachel Klein of Howell Drive, asked whether the applicant was seeking variances under the Township's steep slope ordinance because the proposed roadway widening and improvements would extend farther into the steep slopes on the Crestmont Country Club property. Mr. Cote confirmed that the applicant was seeking steep slope variances for the project.
- Ms. Klein asked whether Mr. Cote had seen other retaining walls constructed in the Township. Mr. Schkolnick objected to the question. Mr. Cote stated that he could not offer an opinion on retaining walls designed by other engineers or projects in which he had not participated.
- Mr. Tractenberg asked to clarify Mr. Cote's earlier responses to Mr. Misarti regarding the comments and recommended changes contained in the Planning Board professionals' review letters. Mr. Tractenberg asked whether the applicant intended to address the professionals' comments only as conditions of approval, after the Planning Board acted on the application, rather than submitting revised site plans for the Board to consider before making its decision. Mr. Cote stated that the applicant had agreed to address the comments through resolution compliance if approval were granted.
- Mr. Tractenberg asked whether those revisions would be addressed only if and after the Board approved the application. Mr. Cote confirmed that this was correct.
- Mr. Tractenberg asked whether the other comments and requests from the Planning Board professionals would therefore not be addressed before the Board made its decision. Mr. Cote explained that a majority of the items had already been addressed through testimony and that the remaining technical comments would be addressed through revisions associated with resolution compliance, along with any additional requests from the Board, including the proposed sidewalk.
- Mr. Panullo asked whether sidewalks were proposed along the driveway leading into Crestmont Country Club or whether the driveway would consist only of roadway lanes. Mr. Cote confirmed that no sidewalks were proposed along the driveway.
- Mr. Panullo referred to previous discussions with Ms. Dana Cancellaro and testimony from Mr. Penke regarding the possibility of accommodating a bus stop near the country club. He asked whether a bus stop was included in the plans. Mr. Cote stated that the bus stop had been addressed in Mr. Penke's traffic testimony and was not part of his civil engineering testimony.
- Mr. Panullo asked how employees or other individuals using a potential bus stop along Eagle Rock Avenue would walk to the country club if the driveway did not include a sidewalk or steps. He also questioned what grade pedestrians would encounter. Mr. Cote explained that the proposed driveway was intended for vehicles exiting the country club only and that pedestrian access from a potential bus stop was an operational issue. He stated that he was not certain how the club would address that situation.

- Mr. Panullo asked whether pedestrian access along the driveway was included in the current plans, and Mr. Cote confirmed that it was not.
- Mr. Panullo asked whether the proposed design included any measures to capture or manage stormwater at the upper parking lot before it flowed downhill toward the detention basins. Mr. Cote explained that the upper parking lot would include porous pavement as a water quality measure. He stated that porous pavement is an allowable stormwater treatment method under current standards and would help achieve the project's overall water quality goals.
- Mr. Panullo asked whether water would be contained at the upper parking lot. Mr. Cote clarified that the porous pavement would allow stormwater to pass through and be filtered rather than function as the primary detention system. He explained that the detention basins would be located farther downhill.
- Mr. Panullo asked whether the proposed roadway widening, retaining walls, and sidewalk would affect the time of concentration or velocity of stormwater runoff from the site. Mr. Cote explained that the existing and proposed times of concentration and the manner in which stormwater moves across the site were included in the stormwater calculations. He stated that those factors were considered in designing the proposed stormwater management system to comply with the Township's stormwater management requirements.
- Mr. Panullo asked whether the applicant was representing that the proposed design complied with the Township's stormwater ordinance. Mr. Cote confirmed that it did.
- Mr. Panullo also asked whether the flow rates were included in the compliance calculations, and Mr. Cote confirmed that the previously stated flow rates complied with the applicable requirements.

PRESENTATION

- The professional planner, Mr. Sean Moronski, entered on the record and was sworn under oath. He testified to the following:
- Mr. Schkolnick asked Mr. Moronski to address the proposed site improvements and the requested variances. Mr. Moronski confirmed that he had reviewed the plans, application materials, professional reports, review letters, and the site. He also stated that he had heard the testimony from the current and two previous hearings, including questions from the Board's professionals, Board members, and the public.
- Mr. Moronski explained that his testimony would address each requested C or bulk variance and demonstrate how the application satisfied the standards for relief under the Municipal Land Use Law.
- Mr. Moronski first addressed Section 25-12.1.B, which requires a minimum distance of 5 feet from the parking area curb to fencing, screening, or a structure. He stated that setbacks of less than 5 feet already existed in various locations and that the applicant proposed a 3-foot setback.
- Mr. Moronski stated that the applicant was requesting relief under the C2 variance criteria, where the overall benefits of the application outweigh the concerns associated with the deviation.
- He explained that the reduced setback would allow the parking area to reconnect with the proposed driveway grading and retaining wall.
- Mr. Moronski stated that the deviation would affect six parking spaces and represented a very minor impact. He explained that the reduced setback would not affect neighboring buildings or uses and would not create the types of concerns typically associated with parking areas near neighboring properties, such as vehicle lights or activity.

- Mr. Moronski explained that the proposed 3-foot setback would allow a guardrail and fence to be installed along the eastern side of the proposed parking area adjacent to the modular building. He stated that these protective measures would address safety concerns for vehicular and pedestrian circulation along the retaining wall.
- Mr. Moronski next addressed Section 25-12.2.B.1, concerning the minimum number of required parking spaces. He explained that the golf clubhouse is a permitted principal use and is classified as a private club for parking calculations. The ordinance requires one parking space for every 45 square feet of gross floor area.
- Mr. Moronski stated that the ordinance calculation requires 700 parking spaces for the facility, while 256 spaces currently exist, representing an existing nonconforming condition. He stated that the applicant proposes 292 spaces, including electric vehicle parking credits under which four electric vehicle spaces are counted as two spaces each.
- Mr. Moronski explained that the applicant was seeking a C2 variance for the parking requirement. He stated that the driveway reconfiguration would create an opportunity to provide additional parking at the upper level, closer to the main country club facility, to support activities at Crestmont Country Club.
- Mr. Moronski stated that the proposal would increase the number of parking spaces by 36, reducing the existing parking deficiency. He described the ordinance requirement of 700 spaces as excessive for the country club's actual needs and the nature of the site. He explained that providing that number of spaces was neither necessary nor desirable, particularly given the applicant's efforts to minimize disturbance to the property.
- Mr. Moronski stated that, under the C2 criteria, the additional parking spaces would improve the existing nonconforming condition and represent an overall enhancement to the property.
- Mr. Moronski next addressed the maximum retaining wall height variance. He stated that the ordinance permits retaining walls up to 4 feet in height, while the proposed improvements include more than 1,300 linear feet of retaining walls, with a maximum height of approximately 21.5 feet.
- Mr. Moronski explained that the maximum wall height occurs near the stormwater management basin and is necessary to maintain the elevation of the upper parking lot. He stated that the requested variance could be granted under the C1 criteria, specifically C1B, because of the exceptional topographic conditions of the property.
- Mr. Moronski stated that the proposed retaining wall heights are necessary to overcome the site's existing topography. He explained that attempting to meet the 4-foot maximum would require a greater number of retaining walls, additional site disturbance, and potentially the removal of more trees.
- Mr. Moronski stated that the proposed design was intended to strike a balance between minimizing disturbance and addressing drainage and roadway improvement needs. He explained that the retaining walls would help limit the amount of land disturbance and tree removal while accommodating the stormwater improvements and the new driveway.
- Mr. Moronski stated that the elevation at the proposed signalized intersection on Eagle Rock Avenue is approximately 538, while the existing and proposed upper parking areas range from elevations 557 to 565. He explained that the parking areas are approximately 20 to 30 feet higher than the roadway, creating the need for taller retaining walls to accommodate the grade difference while minimizing disturbance.
- Mr. Moronski stated that the retaining walls would help create the new exit driveway and intersection along Eagle Rock Avenue, which he described as a significant safety improvement over the existing condition.
- Mr. Moronski next addressed the requested variances related to the Township's topographic and steep slope requirements. He stated that the variances were

interconnected and were being requested because of the site's exceptional topographic conditions.

- Mr. Moronski explained that the ordinance requires a minimum setback of 50 feet from the top of steep slopes having grades between 10% and 30%. He stated that the relocated driveway and proposed parking spaces would be located within 10 feet of the top of those slopes.
- Mr. Moronski stated that the ordinance also requires a minimum setback of 100 feet from the top of steep slopes greater than 30%. He explained that the relocated driveway and parking spaces would likewise be located within 10 feet of those slopes.
- Mr. Moronski stated that the Township ordinance does not permit disturbance of slopes greater than 25%. He explained that the applicant proposes disturbing approximately 10.9% of the property's slopes exceeding 25%, representing approximately 0.38 acres, or 16,400 square feet, out of more than 150,000 square feet of slopes greater than 25%.
- Mr. Moronski also addressed the maximum driveway slope. He stated that existing driveway slopes of up to approximately 10.5% near Laurel Avenue would remain, while the proposed driveway would have a slope of approximately 8.5%.
- Mr. Moronski stated that the requested steep slope and driveway variances were justified under the C1B criteria because of the property's exceptional topographic conditions. He explained that grading activities on the site necessarily result in some steep slope disturbance and that the proposed design attempts to integrate the improvements into the existing landscape while minimizing disturbance and tree removal to the extent feasible.
- Mr. Moronski reiterated that the proposed improvements would be located within 10 feet of certain steep slopes where a 50-foot setback is otherwise required and stated that the same C1B justification applied.
- Mr. Moronski explained that the requested relief would advance several purposes of the Municipal Land Use Law, beginning with Purpose A, which encourages appropriate use and development of land to promote public health, safety, and general welfare.
- Mr. Moronski stated that the proposed improvements would provide safety, circulation, and aesthetic benefits along Eagle Rock Avenue, as well as stormwater management improvements that would benefit both the site and the surrounding roadway.
- Mr. Moronski next addressed Purpose D of the Municipal Land Use Law, which seeks to ensure that development within one municipality does not conflict with the development and general welfare of neighboring municipalities.
- Mr. Moronski stated that West Orange, Essex County, and the neighboring municipalities of Roseland and Essex Fells would benefit from the proposed improvements. He identified the traffic signal, driveway reconfiguration, Eagle Rock Avenue improvements, drainage improvements, and improved sight triangles as benefits extending beyond the country club property.
- Mr. Moronski next addressed Purpose H, which encourages the location and design of transportation routes that promote the free flow of traffic while discouraging congestion or blight.
- Mr. Moronski stated that relocating the country club driveway would reduce points of conflict along Eagle Rock Avenue and align the driveway with Oval Road to create a four-leg intersection. He explained that the associated roadway widening would improve safety at the intersection by allowing vehicles making left turns to queue separately from the eastbound through lane.
- Mr. Moronski addressed Purpose I of the Municipal Land Use Law, which promotes a desirable visual environment through creative design techniques and good civic design. He stated that the tree replacement throughout the site, the proposed site improvements,

and the enhanced aesthetics along the Eagle Rock Avenue frontage would provide both on-site and public benefits from an aesthetic perspective.

- Mr. Moronski next addressed Purpose M, which encourages coordination of public and private procedures and activities shaping land development to lessen development costs and promote more efficient use of land. He stated that the applicant had worked with Essex County to provide land along the Eagle Rock Avenue frontage for roadway improvements.
- Mr. Moronski explained that the proposed driveway realignment would create an intersection and eliminate a driveway that otherwise would not align with the intersection across Eagle Rock Avenue. He stated that this represented an overall public benefit and emphasized that applications must be evaluated not only for the benefits to the applicant but also for the benefits to the public.
- Mr. Moronski addressed the negative criteria for the requested variances, stating that there would be no substantial detriment to the public good. He explained that every application may have some impact, but the question is whether that impact rises to the level of being substantial and, if so, whether it is being addressed.
- Mr. Moronski stated that Essex County was favorable toward the proposed intersection improvements and driveway relocation, which had been suggested by the County traffic engineer years earlier. He identified the widening of Eagle Rock Avenue, the proposed left-turn lane onto Oval Road, the lengthening of the left-turn lane onto Laurel Avenue, coordination with the Laurel Avenue traffic signal, and improved sight distances as benefits of the application.
- Mr. Moronski stated that the project would improve stormwater management and benefit the surrounding area. He explained that the existing driveway drains water onto Eagle Rock Avenue and that removal of the driveway, together with the proposed drainage improvements along Eagle Rock Avenue, would help remedy that condition.
- Mr. Moronski also addressed the sidewalk recommended by the Planning Board, which would extend along Eagle Rock Avenue from Laurel Avenue to the end of the Crestmont property line, but not onto any other property. He stated that the sidewalk would enhance the potential for pedestrian activity.
- Mr. Moronski emphasized that the proposed site improvements would not increase the intensity of the country club's use. He stated that no new buildings were proposed and that the application was intended to improve the existing parking situation rather than increase the intensity of activity on the property.
- Mr. Moronski stated that the tree replacement plan would contribute to the aesthetic improvements and was documented in the submitted plans. He also stated that no NJDEP permits were required for the project.
- Mr. Moronski referred to Mr. Cote's testimony that the proposed driveway grade of approximately 8% was acceptable under winter conditions. He noted that other existing areas of the site, including the area near Laurel Avenue, have steeper grades.
- Mr. Moronski stated that the stormwater detention system was required in connection with the Eagle Rock Avenue improvements. He also confirmed that the applicant had agreed to maintain the proposed sidewalk along Eagle Rock Avenue as a condition of approval and that the sidewalk had already been accounted for in the retaining wall design.
- Mr. Moronski stated that the proposed impervious coverage included approximately 12,000 square feet on-site, or roughly one-quarter acre, and another approximately one-quarter acre off-site.
- Mr. Moronski explained that the project area was approximately 3.95 acres within the overall 146-acre Crestmont Country Club property. He stated that the improvements were

concentrated in a relatively small portion of the property and would provide substantial beneficial impacts.

- Mr. Moronski stated that the requested variances would not substantially impair the intent and purpose of the zone plan or zoning ordinance. He explained that the country club is a permitted use in the R2 zone and that the applicant was increasing the number of parking spaces while attempting to minimize disturbance.
- Mr. Moronski acknowledged that the proposed parking would remain well below the 700 spaces required by the ordinance but stated that the applicant was moving in the direction of improving the existing condition. He also identified the proposed sidewalk as providing additional pedestrian connectivity.
- Mr. Moronski referred to the Township's 2019 Master Plan Update, specifically Purpose 8 on page 8, which addresses providing safe and efficient transportation and circulation routes. He stated that the objective remained relevant and included transportation modes beyond motor vehicles.
- Mr. Moronski stated that West Orange had taken actions to promote pedestrian and bicyclist safety. Although those efforts might not be specific to this location, he explained that the overall Township objective was to provide options for circulation and improve safety.
- Mr. Moronski also referred to Purpose 15 on page 10 of the 2019 Master Plan Update, concerning coordination of public and private procedures and activities. He stated that this objective was consistent with Purpose M of the Municipal Land Use Law.
- Mr. Moronski addressed the requested site plan waiver relating to tree removal. He explained that the Planning Board may grant reasonable exceptions consistent with the general purpose and intent of the site plan ordinance.
- Mr. Moronski stated that the applicant proposed removing 191 trees located on slopes greater than 10%. He explained that the justification for the waiver was similar to the justification for the steep slope and retaining wall variances because the proposed disturbance was driven by the site's topographic conditions.
- Mr. Moronski stated that the overall project would remove 313 trees and that the tree replacement plan proposed well over 500 replacement trees, most of which would be planted on-site. He explained that the tree restoration plan was included in the site plan drawings.
- Mr. Moronski stated that the applicant would coordinate with the Township Forester and other Township professionals to satisfy the intent of the tree replacement ordinance.
- Mr. Moronski concluded that the requested variances could be granted under the applicable C2 criteria and, for the steep slope and retaining wall variances, the C1B criteria. He stated that the requested site plan waiver was justified by the steep slope and topographic conditions and the effort to minimize disturbance while providing the proposed improvements.
- Mr. Schkolnick asked Mr. Moronski whether he saw any negative impacts on the immediate neighboring properties, noting that several members of the public who had spoken lived in Essex Fells or other surrounding areas.
- Mr. Moronski stated that he did not see negative impacts on surrounding properties. He explained that the previous professional testimony supported the drainage and circulation improvements and that the proposed on-site improvements would also benefit Crestmont Country Club, which he described as a long-established fixture in the community.
- Mr. Moronski stated that the project provided both public and private benefits. He explained that the design sought to minimize tree disturbance while addressing drainage, stormwater, and roadway improvements in coordination with Essex County. He stated

that the benefits would extend beyond West Orange to Roseland, Essex Fells, the surrounding community

- Mr. Schkolnick asked whether Purpose F of the Municipal Land Use Law, which encourages appropriate and efficient expenditure of public funds, factored into Mr. Moronski's analysis, since a private entity would be undertaking improvements involving a traffic signal.
- Mr. Moronski confirmed that it did. He stated that the public-private coordination between the applicant and the County represented a more efficient way of providing improvements that would benefit the property and the surrounding area.
- Mr. Schkolnick asked whether the settlement agreement previously discussed by Ms. Cancellaro, including the possibility of eminent domain, affected Mr. Moronski's planning analysis.
- Mr. Moronski stated that the applicant's cooperation with the County, Township, and other involved parties was a positive factor. He explained that this cooperation furthered public improvements and was consistent with Purpose M of the Municipal Land Use Law.
- Mr. Schkolnick again asked whether Mr. Moronski saw any negative impacts on surrounding properties. Mr. Moronski stated that he did not and reiterated that the application would not cause a substantial detriment to the public good or substantial impairment of the zone plan or zoning ordinance.
- Mr. Schkolnick asked how Mr. Penke's testimony regarding safety improvements factored into Mr. Moronski's planning analysis.
- Mr. Moronski stated that the safety, circulation, drainage, and physical improvements, both on-site and along Eagle Rock Avenue, worked together. He stated that, from a planning perspective, the improvements satisfied the applicable Municipal Land Use Law criteria.

BOARD QUESTIONS

- Mr. Guarino asked whether Essex County had provided any additional proposals or requests during its discussions with the applicant and, if so, how the applicant had responded. Mr. Moronski stated that he had not been directly involved in the discussions with the County. He explained that Mr. Penke had been involved in those discussions and that his own knowledge was based on the submitted application, testimony, and discussions with his professional colleagues.
- Mr. Guarino asked whether the proposed pedestrian walkways, lighting, sidewalks, and crosswalks had been sufficiently evaluated to create a safe, walkable area for individuals using Crestmont Country Club and its facilities. Mr. Moronski stated that the proposed sidewalk and lighting provided a good foundation for pedestrian access at that location.
- Mr. Guarino asked whether traffic calming measures, such as speed bumps, were proposed within the country club property. Mr. Moronski stated that he did not know of any specific traffic calming measures proposed on-site.
- Mayor McCartney stated that she generally agreed with Mr. Moronski's testimony concerning negative community impacts but had additional questions related to the Heyer Gruel report.
- Mayor McCartney referred to page 6 of 10 of the report and asked for a clearer explanation of the proposed modular block retaining wall, which would reach nearly 21.5 feet in height. She questioned whether the wall could be tiered. Mr. Moronski stated that the 21.5-foot height occurred in a relatively small portion of the more than 1,300 linear feet of retaining walls proposed. He described the condition as unique because of the

location and topography. Mr. Moronski explained that the design attempted to strike a balance between providing parking at the existing upper elevation and addressing drainage requirements.

- Mayor McCartney then referred to the steep slope variance comments on the same page of the review report and asked the Board's planners and engineers whether the testimony had adequately justified the need for the requested steep slope variances. Ms. Apte stated that she had a follow-up question for Mr. Moronski concerning the steep slope testimony.
- Ms. Apte asked whether every effort had been made in the site plan design to minimize the area of steep slope disturbance. She specifically asked whether alternative designs had been considered and whether the proposed layout represented the least impactful option with the fewest necessary steep slope variances. Ms. Apte stated that Mr. Moronski's response would also help address Mayor McCartney's question. Mr. Moronski stated that the design was intended to minimize the area of disturbance, particularly the disturbance and removal of existing trees.
- Mr. Moronski explained that using additional retaining walls or spreading the walls farther apart would create a greater area of disturbance and could require removing more trees. He stated that the design involved balancing the drainage requirements, parking elevations, and retaining wall configuration.
- Mr. Moronski stated that tiering the retaining walls would result in greater disturbance. He further explained that the approximately 21-foot-high portion of the wall extended for only about 13 linear feet out of more than 1,300 linear feet of retaining wall, representing approximately 1% of the total wall length.
- Mr. Schkolnick clarified that the retaining wall would have varying heights and that the maximum height of approximately 21 feet would occur along only about 13 feet of wall.
- Ms. McGovern asked what the average retaining wall height would be. Mr. Moronski stated that he did not have the average height available at that moment. Mr. Schkolnick acknowledged the question and indicated that the information would be looked into.
- Mr. Cote requested permission to provide additional clarification concerning the retaining wall.
- Mr. Cote explained that the stormwater basin tapers downward at one end and that the approximately 13-foot section where the wall reaches its maximum height is located at the lowest portion of the basin.
- Mr. Cote stated that the wall is approximately 6 feet high at the opposite end of the basin and decreases in height as it continues around the corner. He explained that the highest wall section was necessary because of the depressed area required to size the stormwater basin.
- Mr. Cote stated that spreading out the grading or using additional tiers would increase the area of disturbance, extend farther into the existing tree line, and require additional tree removal.
- Mr. Cote confirmed that alternative alignments and designs had been considered. He stated that the other options would have resulted in greater impacts, additional impervious coverage, and more disturbance to achieve the same result.
- Chairman Bagoff asked Mr. Moronski whether the retaining wall would be visible to motorists driving along Eagle Rock Avenue. Mr. Moronski stated that the wall would be set back a considerable distance from the roadway. Mr. Cote also stated that visibility of the wall from Eagle Rock Avenue would be minimal because a tree line would be planted in front of it and the stormwater basin itself would contain landscaping.
- Chairman Bagoff asked whether evergreen trees could be planted in front of the retaining wall to provide permanent screening and greater density, so motorists would see greenery rather than the wall. Mr. Cote stated that additional trees might be possible but that the

applicant would need to ensure they did not reduce the basin's storage volume and that the species could survive in wet conditions.

- Mr. Noborine asked for additional information about the construction of the proposed retaining wall. Mr. Cote explained that the proposed modular block wall would have grid reinforcement extending from behind the wall back through the soil. He stated that the grid interrupts the natural soil failure plane and allows the wall to remain standing through mechanical reinforcement. Mr. Cote stated that this type of reinforced wall has been used in numerous developments throughout the area.
- Mr. Noborine asked whether the same type of wall would be used uniformly throughout the site. Mr. Cote confirmed that the type of wall would be uniform, although the coloration had not yet been determined.
- Ms. Kapferer asked whether there was an exhibit illustrating the steep slope impacts. Mr. Cote displayed the steep slope exhibit EX04, dated February 12, 2026 and confirmed that the overall disturbance was approximately 3.95 acres. He explained that the steep slope disturbance was concentrated toward the front of the site, primarily along Eagle Rock Avenue. Mr. Cote stated that the existing steep slope along Eagle Rock Avenue would be cut back to create the 10-foot area adjacent to the curb where the sidewalk would be installed. He explained that a retaining wall would be provided along the frontage for that purpose. Mr. Cote explained that placing the retaining wall close to the proposed parking area would avoid the need for a larger sloped embankment, which would disturb a much greater area. He stated that the proposed design would disturb only a relatively small portion of the existing steep slope. Mr. Cote identified another area where the proposed driveway would traverse an existing steep slope. He explained that this condition would be addressed with a retaining wall on one side of the driveway and that the parking lot and drive aisle would eliminate a portion of the existing steep slope. Mr. Cote identified the areas along Eagle Rock Avenue, the driveway, and the parking lot where steep slope disturbance would occur. He stated that those areas totaled approximately 0.5 acres of steep slope disturbance. Mr. Cote stated that steep slopes exist throughout the property, but the applicant was not proposing to modify the slopes farther east and would disturb only a limited area to the west near Laurel Avenue.
- Ms. Kapferer asked whether most of the steep slope disturbance involved cutting into the existing slopes or whether the work involved a combination of cut and fill. Mr. Cote stated that the work involved a combination of cut and fill.
- Chairman Bagoff asked whether the applicant had considered making a portion of the detention basin a pollinator garden. Mr. Cote stated that one of the basins was designed as a vegetated basin with different planting mixes, shrubs, and trees along the bottom. He explained that the other basin was proposed with a meadow mix.
- Chairman Bagoff asked whether the landscape design could incorporate plants specifically intended to create a pollinator garden. Mr. Cote stated that he would ask the landscape architect whether the proposed plantings included flowering trees or other plants suitable for pollinators and whether additional pollinator plantings could be incorporated.

BOARD COMMENTS

- Council President Scarpa stated that she continued to have several concerns that she did not believe had been adequately addressed, particularly concerning the steep slope variances and the significant number of trees proposed for removal.
- Council President Scarpa stated that many of the trees being removed were located on steep slopes and had mature root systems. She expressed concern that replacing mature

trees with younger trees, which could take decades to grow, would not immediately replace the functions of the existing root systems.
    - Mr. Moronski responded that the steep slope disturbance and tree removal were directly related to the requested variances. He reiterated that the applicant was attempting to strike a balance and minimize disturbance to the extent possible.
    - Mr. Moronski acknowledged that trees would be removed but stated that the replacement trees would fill in the gaps over time. He explained that the tree replacement needed to be weighed against the drainage improvements proposed for both the country club property and Eagle Rock Avenue.
- Council President Scarpa stated that she remained concerned about the potential for additional stormwater runoff and also about the effect of traffic on Pleasantdale Chateau.
    - Mr. Moronski stated that the drainage and roadway improvements represented public benefits and that the application attempted to balance those improvements with minimizing disturbance
- Council President Scarpa stated that she remained concerned. She referred to her own neighborhood, where mature trees had been removed and young trees planted more than a decade earlier, while neighboring properties continued to experience increased flooding.
    - Mr. Cote responded that the majority of the proposed replacement trees would be approximately 4-inch caliper trees. He explained that although these trees were smaller than the mature trees being removed, a 4-inch caliper tree was more substantial than the approximately 2.5-inch caliper trees commonly used for replacement planting in other municipalities.
    - Mr. Cote stated that using 4-inch caliper trees would provide a larger starting diameter and more substantial replacement planting.
- Council President Scarpa stated that she continued to picture a large, beautiful, mature tree that might have been growing for 100 years being replaced by a much smaller tree. She questioned how many years it would take for the replacement trees to develop root systems capable of performing the same function as the mature trees.
    - Mr. Cote explained that the Township's tree replacement ordinance uses a multiplier based on the diameter of trees being removed. He stated that replacing one mature tree with multiple new trees would ultimately create a larger combined root structure.
    - Mr. Cote described the Township's tree replacement requirements as a very high standard within the industry and stated that the ordinance was designed to help address the concerns raised by Council President Scarpa.

ADDITIONAL TESTIMONY

- Mr. Schkolnick asked Mr. Cote to briefly explain the proposed tree replacement numbers in greater detail.
- Mr. Cote explained that, in response to the Township Planner's comments, 11 trees proposed within the parking area would not be counted toward the required tree replacement total. He stated that the applicant would add 11 replacement trees to account for that adjustment.
- Mr. Cote stated that the original replacement plan included 586 trees, consisting of 303 trees shown in the main project area along the frontage, 239 additional trees elsewhere on the overall property, and 44 trees addressed through off-site planting or a fee in lieu.
- Mr. Cote explained that the off-site planting or fee-in-lieu component would increase from 44 to 55 trees to account for the additional 11 replacement trees.

- Mr. Cote stated that the revised total would be 597 replacement trees, nearly double the number of trees being removed. He emphasized that the majority of the replacement trees would be approximately 4 inches in diameter.
- Mr. Cote stated that the project was not simply removing approximately 300 trees and leaving the land barren. He explained that the replacement plan reflected the substantial requirements of the Township's ordinance and would provide significant new tree planting throughout the property.

PROFESSIONAL QUESTIONS

- Ms. Apte asked Mr. Moronski to clarify the two requested waivers, one involving the removal of trees on slopes of 10% or greater and the other involving the lighting illumination level at the Eagle Rock Avenue property line. Mr. Moronski explained that the lighting issue concerned the maximum illumination level at the property line and the County street lighting located within the right-of-way. He stated that the roadway lighting was designed to meet County standards.
- Ms. Apte referred to the proposed lighting fixture mounting height of 27 feet and asked whether the 3.5-foot-candle illumination level at the property line resulted from the County-related intersection lighting. Mr. Cote explained that the lighting was intended to properly illuminate the driveway and the intersection. He stated that the applicant was uncertain whether the illumination requirement would fall under County or Township jurisdiction and had conservatively requested relief.
- Ms. Apte asked whether the A1 and A2 lighting fixtures shown on the plans were located within the applicant's property. Mr. Cote confirmed that they were and stated that their purpose was to illuminate the driveway.
- Ms. Apte stated that the applicant should request the lighting waiver because the illumination standard is contained in the Township ordinance. She explained that the testimony supporting the waiver would be the need for adequate driveway safety and lighting at the intersection. Mr. Cote confirmed that he had included that justification toward the end of his earlier testimony.
- Ms. Apte asked Mr. Moronski whether his testimony was that the increased foot-candle level was necessary for driveway safety. Mr. Moronski confirmed that it was.

PROFESSIONAL COMMENTS

- Ms. Apte stated that the application involved approximately four larger C variances, including the steep slope-related variances, and explained that the Board needed to consider the distinction between C1 hardship variances and C2 variances.
- Ms. Apte stated that Mr. Moronski had grouped the steep slope variances together as C1 hardship variances because they were related to the property's topographic conditions.
    - Ms. Apte explained that the requested steep slope relief included disturbance within steep slope areas and reductions in the required setbacks. She stated that for slopes between 10% and 30%, the ordinance requires a 50-foot setback, while the applicant proposed 10 feet.
- Ms. Apte further stated that for slopes greater than 30%, the ordinance requires a 100-foot setback, while the applicant again proposed 10 feet.

- Ms. Apte explained that these variances were being considered together because they arose from the topography of the property. She referred to Mr. Cote's colorized steep slope analysis exhibit as providing a visual representation of the existing site conditions.
- Ms. Apte referred to her earlier question about whether the applicant had selected the best design to reduce disturbance and minimize the variances required because of the topography.
- Ms. Apte explained that, under the Municipal Land Use Law, the Board must consider the positive criteria for a C1 hardship variance, including whether the property has an exceptional condition such as narrowness, unusual topography, or another physical feature creating the hardship.
- Ms. Apte explained that the Board must also consider the negative criteria, including whether the variances could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.
- Ms. Apte emphasized the word "substantial" and stated that the Board needed to evaluate whether the applicant had demonstrated that the proposed site design minimized the necessary variances and associated impacts while addressing the topographic hardship.
- Ms. Apte stated that the applicant was seeking the steep slope relief based on those site conditions and the design alternatives considered.
- Ms. Apte next addressed the parking variance. She stated that the ordinance requires almost 700 parking spaces for the existing use, while the property currently has 256 spaces and the applicant proposes increasing the total to 292 spaces.
- Ms. Apte explained that the additional parking would improve the existing nonconforming condition but would not eliminate the parking variance because the total would remain substantially below the ordinance requirement.
- Ms. Apte stated that another requested variance concerned the distance between the parking area and the fence. She explained that, according to Mr. Moronski's testimony, this condition was related to the proposed layout and the physical conditions of the property.
- Ms. Apte also identified the retaining wall height variance and stated that Mr. Moronski had testified that the wall height was driven by the property's topography and therefore supported by the C1 hardship criteria.
- Ms. Apte explained that much of the applicant's testimony concerned the hardships created by the property's physical conditions and the need for variances to accommodate the proposed improvements.
- Ms. Apte stated that the parking space variance and the variance involving the distance between the parking area and the fence were being requested under the C2 criteria.
- Ms. Apte explained that, for a C2 variance, the Board must consider whether the benefits of granting the variance outweigh the detriments.
- Ms. Apte stated that the applicant had testified that it did not need approximately 700 parking spaces for its operations but did need additional spaces. She explained that the proposed increase would reduce the extent of the existing parking variance without fully meeting the ordinance requirement.
- Ms. Apte stated that, regarding the distance between the parking area and the fence, the applicant had testified that there would be no negative impact on neighboring properties and that the benefits of the proposed layout would outweigh any detriment resulting from the reduced setback.
- Ms. Apte concluded that the Board needed to determine whether the applicant had met its burden of proof by demonstrating the hardships supporting the C1 variances and showing that the benefits of the C2 variances outweighed any substantial detriments.

PUBLIC QUESTIONS

- Mr. Joseph Panullo asked Mr. Moronski whether any portion of the retaining wall running along Eagle Rock Avenue would extend into the driveway on either side of the country club's ingress and egress. Mr. Moronski initially stated that the retaining wall along Eagle Rock Avenue would not extend into the driveway.
- Mr. Panullo asked whether that meant the driveway grade would have no walls on either side and would consist only of natural landscaping. Mr. Moronski clarified that he had been referring to the wall along Eagle Rock Avenue. He explained that although the frontage wall would not turn into the driveway at the intersection, the plans did show retaining walls farther along the driveway itself.
- Mr. Panullo asked whether the wall would make a 90-degree turn from Eagle Rock Avenue into the country club property. Mr. Moronski stated that it would not.
- Mr. Panullo asked whether Mr. Moronski could estimate the survival rate of the replacement trees, such as whether 100% or 80% could be expected to survive. Mr. Moronski stated that tree survivability in those soil conditions was not within his area of expertise because he was not a landscape architect.
- Mr. Kevin Malanga of Ridge Road asked Mr. Moronski whether he had testified that the proposed improvements would not increase the intensity of use of the country club. Mr. Moronski confirmed that statement as it related to the proposed improvements. He explained that the country club was a permitted use and that the improvements themselves would not contribute to an increase in the intensity of use.
- Mr. Malanga asked what necessitated increasing the size of the parking lot. Mr. Moronski stated that the property was technically deficient in the number of required parking spaces. He explained that the proposed improvements would create a more efficient parking lot layout, resulting in additional spaces and reducing the existing nonconforming condition.
- Mr. Malanga asked what changes in operations required the additional parking spaces. Mr. Moronski explained that, from his perspective as a planner, the proposed layout would provide a more orderly and efficient arrangement of parking spaces and that increasing the number of spaces was an overall benefit.
- Mr. Malanga asked whether Crestmont Country Club could continue operating without the additional 36 parking spaces. Mr. Moronski stated that he did not believe the question was relevant to his planning analysis. He explained that the additional spaces would improve the existing nonconforming parking condition and that he considered the increase a positive contribution to the overall site design.
- Mr. Malanga referred to Mr. Moronski's testimony concerning the aesthetic benefits of the project and asked how the proposed improvements would benefit the general public.
- Mr. Moronski stated that the project included both aesthetic and functional benefits. He identified the proposed landscaping and tree planting along Eagle Rock Avenue, together with the roadway and circulation improvements.
- Mr. Malanga asked what aesthetic benefit members of the public who did not belong to Crestmont Country Club would receive from removing trees along Eagle Rock Avenue. Mr. Moronski stated that trees would also be added along Eagle Rock Avenue and that the improvements to the frontage would accompany the roadway improvements. He reiterated that the project was not exclusively aesthetic but also provided functional circulation benefits.
- Mr. Malanga asked how the circulation improvements would benefit people who were not members of the country club. Mr. Moronski responded that nonmembers of the country club also drive on Eagle Rock Avenue.

- Mr. Malanga asked specifically how cutting down trees along Eagle Rock Avenue would improve circulation. Mr. Moronski stated that the trees being removed would be replaced in accordance with the Township's tree replacement requirements and that the applicant was complying with those requirements.
- Mr. Malanga asked whether it was correct that 313 trees were being removed to provide 36 additional parking spaces for a private country club. Mr. Moronski responded that the trees being removed would be replaced with more than 500 trees, as described in the earlier testimony. He emphasized that the application involved more than additional parking spaces and included improvements providing benefits to the public as well as to the applicant.
- Mr. Malanga repeated his question concerning whether 313 trees were being removed to provide 36 additional parking spaces. Mr. Moronski disagreed with that characterization and stated that the tree removal was not solely attributable to the additional parking spaces.
- Mr. Malanga asked how many trees would be removed solely for the additional 36 parking spaces. Mr. Moronski stated that the testimony had extensively addressed the total number of trees being removed and replaced as part of the overall project. He stated that he did not believe separating the tree removal by the additional parking spaces was relevant because the application included more than the parking expansion.
- Mr. Malanga continued asking whether Mr. Moronski knew the specific number of trees being removed solely for the parking spaces. Mr. Moronski stated that he had provided the information available to him and referred to the testimony already presented regarding the overall project.
- Mr. Malanga asked what documentary evidence Mr. Moronski or any member of Langan Engineering had demonstrated that Essex County was in favor of installing the proposed traffic signal. Mr. Schkolnick objected to the question. Mr. Moronski stated he was not involved in any of the meetings with the County
- Mr. Malanga asked whether it is Mr. Morinski's testimony that a private entity was bearing the expense of this project. Mr. Moronski stated that he did not say a private entity was bearing the expense of this project. Instead, a private entity is working with the County to help further this project
- Mr. Malanga asked who the private entity is. Mr. Morinski stated the applicant is working with the County with regards to the improvements to their property
- Mr. Malanga asked whether there are any other entities involved in the expense of this project. Mr. Morinski stated he is only involved in this application and does not know whether there are other entities involved in the expense

BOARD RECOMMENDATIONS

- Chairman Bagoff recommended that a condition be included requiring the applicant to maintain the proposed sidewalk along Eagle Rock Avenue. He specified that maintenance should include snow removal, repairs, and removal of any greenery or foliage that could obstruct the sidewalk and prevent pedestrians from safely using it.
    - Ms. McGovern stated that the proposed condition was consistent with case law, referencing *Christmas v. City of Newark*, which establishes a duty for commercial property owners to maintain their sidewalks. She confirmed that she would include sidewalk maintenance as a condition.

The application will be carried to the next planning board regular meeting on October 7, 2026, without further notice at 7:30 P.M.

- **PB-26-02 Catalyst Development Group, LLC**
  27 Fairway Drive
  Block: 86.01 Lot: 6 Zone: R-5
  The applicant is requesting preliminary and final minor subdivision approval, with "c" variance relief, to subdivide the property into 3 lots.

The application will be carried to the next planning board regular meeting on October 7, 2026, without further notice at 7:30 P.M.

- **PB-26-01 15 Ridgeway LLC**
  15 Ridgeway LLC
  Block: 158 Lot: 28.01 Zone: R4
  The applicant is seeking a minor subdivision with bulk variance approval to create an additional building lot from an oversized lot.

The application will be carried to the next planning board regular meeting on October 7, 2026, without further notice at 7:30 P.M.

ADOPTED:

_____
Jamilet Baquerizo Vite
Planning Board Secretary