

**MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD REGULAR MEETING
DRAFT MEETING MINUTES
SEPTEMBER 1, 2021**

The Township of West Orange Planning Board held its regular meeting on September 1, 2021 at 7:30 P.M. via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 7:34 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

- *Chairman Bagoff* requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planning Board regular meeting will be October 6, 2021 at 7:30 P.M. on the ZOOM platform.

ROLL CALL

PRESENT:

Dr. Robert Bagoff; Mr. Jerry Guarino Mr. Lee Klein; Mr. John McNair
(left at 9:18PM); Mr. William Wilkes (left at 8:01PM); Councilwoman
Susan McCartney; Mr. Peter Smeraldo

ABSENT:

Mr. John Hess, Town Engineer

ALSO PRESENT:

Kenneth D. McPherson III, Esq., Attorney; Paul Grygiel, Town Planner;
Diana L. Chandler, Acting Planning Board Secretary

SWEARING IN:

- *Mr. Paul Grygiel* was sworn in by *Mr. McPherson*.

ANNOUNCEMENTS

- The next Planning Board regular meeting will be held **Wednesday October 6, 2021 at 7:30 P.M.**

MINUTES & RESOLUTIONS

4/7/2021 Minutes

Motion: Chairman Bagoff

Second: Mr. Wilkes

ADOPTED

Bagoff: Y	Smeraldo: Y
-----------	-------------

Guarino: Y	
Klein: ABSENT FROM MTG	Wilkes: Y
McCartney: Y	
McNair: Y	yes; absent

5/5/2021 Minutes

Motion: Chairman Bagoff

Second: Mr. Guarino

ADOPTED

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: Y	Wilkes: Y
McCartney: Y	
McNair: Y	yes; absent

6/2/2021 Minutes

Motion: Chairman Bagoff

Second: Councilwoman McCartney

ADOPTED

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: Y	Wilkes: ABSENT FROM MTG
McCartney: Y	
McNair: Y	yes; absent

7/7/2021 Minutes

Motion: Chairman Bagoff

Second: Mr. Guarino

Bagoff: Y	Smeraldo: ABSENT FROM MTG
Guarino: Y	
Klein: Y	Wilkes: Y

McCartney: Y	
McNair: Y	yes; absent

Conditions:

8/11/2021 Minutes

Motion: Chairman Bagoff

Second: Councilwoman McCartney

ADOPTED

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: Y	Wilkes: Y
McCartney: Y	
McNair: ABSENT FRM MTG	yes; absent

Conditions:

Resolution: PB 21-06 Montclair Golf Club/ 25 Prospect Avenue

Block: 151; Lot: 1,5,7,11,14,15.01,23,34,37,41,45.01 &49; Zone: R-2
Seeking an Amendment to the Site Plan.

Motion: Chairman Bagoff

Second: Mr. Guarino

ADOPTED

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: Y	Wilkes: Y
McCartney: Y	
McNair: ABSENT FROM MTG	yes; absent

Resolution: PB-21-05 / 515 Valley Road/Valley Arts Dental
Block: **Lot:** **Zone:**
515 Valley Road
Seeking C1, C2 Variances, and Site Plan Approval (Preliminary and Final with variances)

Motion: Chairman Bagoff
Second: Councilwoman McCartney
ADOPTED

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: Y	Wilkes: Y
McCartney: Y	
McNair: ABSENT FROM MTG	yes; absent

APPLICATIONS

PB 21-08 Sign Pros

217 Main Street

Block: 116; Lot: 02; Zone: B-1 (Redevelopment Zone)

Seeking C1 & C2 Variances for physical features with exceptional situation for new illuminated signage.

PRESENTATION

- *Mr. Scott Kipnis, Esq.* entered on the record for the applicant.
- *Mr. Nick Kappatos, (Sign Pros)* entered on the record and was sworn in by *Mr. McPherson*.
- *Mr. Kappatos* began his testimony describing pending sign and explaining that the site in question is currently but previous use was a dollar store. He further explained that the sign's letterage is going to be 38" high as opposed to the 28" allowed due to the white outline for aesthetic reasoning. The distance from Main Street is another reason for sign.
- In regards to the Monument sign agreement with the landlord, it will be non-illuminated even if it appears to do so. There will be no change to existing but adding vendors.

BOARD QUESTIONS

- *Mr. Lee Klein* asked what the height of the original sign lettering is. *Mr. Kappatos* answered that he is unsure but if *Mr. Klein* would like he can defer to *Ms.*

Kathleen Dallman (Eventbrite). Mr. Klein said that this answer won't sway his decision.

- *Councilwoman McCartney* asked if *Mr. Kappatos* discussed with the Downtown Alliance. *Mr. Kappatos* responded that he only submitted to the Board. *Ms. Gary-Adams (Zoning Official)* said that Downtown Alliance is aware of application. *Councilwoman* asked if the parking lot will be staying the same. *Mr. Kappatos* said that *Mr. Wexler (the landlord)* would be the one to answer.
- *Mr. Jerry Guarino* asked about the logistics of the light being on vs off. *Mr. Kappatos* explained that it will be controlled internally but illuminated externally. *Mr. Guarino* asked what kind of lights would be used and who would be in control of the sign *Mr. Kappatos* answered that they would be LED lights and *Mr. Wexler* would need to be aware to set timer.
- *Chairman Bagoff* asked the applicant to reach out to *Mr. Paul Grygiel* and *Mr. Grygiel* agreed. *Chairman* also asked about the lumens and *Mr. Kappatos* said that they intend to abide by restrictions.
- *Mr. Kipnis* read into the record *Mr. Tom Clark (Traffic Engineer)*'s analysis of traffic dated August 17, 2021. In this report, it explained that this is an urban setting with 30 MPH. This engineer is licensed in other states but *Mr. Kipnis* is 95% sure *Mr. Clark* is licensed in New Jersey.
- *Chairman Bagoff* said that they "will have to have a licensed New Jersey Engineer prior to next meeting" and asked *Mr. Klein* if only from sign company and not with Traffic Engineer would that change decision. Mentioned that it is missing information. Unsure if it is a standard sign. *Mr. Kipnis* answered with a request to strike from the record.
- *Mr. Kappatos* said that for justification in front of building criteria "area of sign band", followed up by stating that the CVS isn't proportional and trying to create an appealing aesthetic.
- *Mr. Klein* asked if there were plans to repaint the building. *Mr. Kappatos* referenced the plans and said that this sign will be fitting into the beige area.
- *Mr. Kipnis* explained that CVS has four secondary signs and the goal of these signs being installed is for Family Dollar to do well.

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT

Motion: Chairman Bagoff

Second: Mr. Klein

APPROVED

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: Y	Wilkes: LEFT MTG AT 8:01 PM
McCartney: Y	
McNair: Y	yes; absent

REVIEW OF ORDINANCE

[Ordinance Adopting Fourth Amended Downtown Redevelopment Plan
Downtown Redevelopment Plan 4th Amendment August 2021 Draft](#)

PRESENTATION

- *Mr. Grygiel* made it clear that the main goal of this Planning Board review is to stay consistent with the Master Plan. The original ordinance for this redevelopment was adopted in March of 2003. It is proposed to change permitted uses to be located to reflect market changes for economic development. He then showed the map in question with descriptions of underlying issues with residential and business uses. Prism Phase II will allow mixed use of business and residential. This would make sense to broaden the uses of downtown.

BOARD QUESTIONS

- *Chairman Bagoff* asked if the main purpose was to bring the Film industry from Hollywood/New York City area as the “Black Mariah of the next generation”. *Mr. Grygiel* said that the plan was to try to encourage the growing industry outside of New York City and Los Angeles.
- *Mr. Klein* asked what the size of the video production companies occupying this space would be. *Mr. Grygiel* said that there is no minimum on size. Logistically but could be part of or all depends on the developer as there is adequate space. *Mr. Klein* also asked if there would be adequate space for film standards. *Mr. Grygiel* answered that it’s one space every 2,000 square feet.
- *Councilwoman McCartney* asked what the maximum building height and height of the Edison building. *Mr. Grygiel* said it exceeds 75 feet. *Councilwoman* asked about the home services district and *Mr. Grygiel* said that it is existing and unchanged. This area was originally treated as a “Design District – not typical retailer” mindset. *Councilwoman* then questioned stating that the sub district is misleading as what could be allowed (i.e. cannabis). *Mr. Grygiel* answered in the affirmative but further down. *Councilwoman* and *Mr. Grygiel* are in agreement that it would need to be said somewhere. *Councilwoman* then brought up that the West Orange Community House is part of a “Drug Free School Zone”. How would that effect the 1,000 ft perimeter of the program? *Mr. Grygiel* answered

that B1 & B2 Zones would issues of the local ordinance and they do not supercede the state. *Chairman Bagoff* said that for legal drugs of course and asked *Mr. McPherson* to look into because if overlay for the district could possibly “zone into utility”. *Councilwoman* asked mainly if the Board is “doing something to supersede ourselves”. *Mr. Grygiel* reminded that the only change is in regard to legal cannabis.

- *Chairman Bagoff* asked *Mr. McPherson* to take note and to not have extend cannabis those three blocks as per his recommendation.
- *Mr. Guarino* asked if the area is going to be made into an attraction of sorts, his concern is on the quality of life for residents. If a reengineering of traffic, sound, and light might need to occur and were they taken in consideration. *Mr. Grygiel* said that this area was never supposed to be an unchanged area. Prism was supposed to perform duties and they did not follow through.
- *Councilwoman McCartney* said that she thought the point of this development was to promote the Edison Museum (which gets 60,000 visitors annually). *Mr. Grygiel* answered in the affirmative but still needs to be evaluated.
- *Mr. Peter Smeraldo* asked what are they doing with the 200 units for housing. *Mr. Grygiel* said that they will still provide units in the Downtown Alliance and there’s an obligation there regardless.
- *Councilwoman McCartney* asked if any of the units affordable housing. *Mr. Grygiel* answered in the negative. *Councilwoman McCartney* wanted to know about the overlay of Babcock Place and if there was any information about the steep slope. *Mr. Grygiel* said that this is in Phase 2A to the Barton Press site.
- *Councilwoman* asked about the overlay zone and whether it would be private or public. *Mr. Grygiel* said that there is no mention of a regulation.
- *Mr. McPherson* said that said that he will work with *Mr. Grygiel* to send to Town Council. He recommends approval with extension of cannabis sale as an “elimination of provision” being consistent with the Master Plan.

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT

Motion: **Chairman Bagoff**

Second: **Councilwoman McCartney**

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: Y	Wilkes: LEFT MTG 8:01PM
McCartney: Y	
McNair: Y	yes; absent

--

8:57-9:07 PM Break

REVIEW OF AREA IN NEED OF REHABILITATION STUDY

[Area in Need of Rehabilitation- Town wide Designation](#)

[Rehabilitation Report- Lepore](#)

[Planning Directors Memo August 2021](#)

PRESENTATION

- *Mr. Leonard Lepore, Municipal Engineer* entered record and was sworn in by *Mr. McPherson*.
- *Mr. Lepore* wanted to correct issue on August 11, 2021 report submitted. The findings aren't changed. 18,035 units represent total of prior percentage.

BOARD QUESTIONS

- *Mr. Klein* asked why this is a priority. *Mr. Grygiel* answered that this opens door to not a 30 year tax abatement but a 5 year. Adopt redevelopment plan on other areas of town. *Mr. Klein* asked what the possibility of a spread out tax increase. *Mr. Grygiel* said that if approved and adopted yes but details not worked out. It's enabled. Not a guarantee.
- *Councilwoman McCartney* asked during the permit process would residents be aware. *Mr. Grygiel* confirmed that residents would be aware. It would have to be adopted but West Orange is not the only municipality doing this. Orange, Irvington, South Orange are some of the other municipalities.
- *Mr. Guarino* asked *Mr. Lepore* about the joint meeting maintained pump station. *Mr. Lepore* said that the pump station is only maintained by the Township of West Orange.
- *Mr. Smeraldo* asked if the federal grants/ordinances will help infrastructure offset costs. *Mr. Lepore* said that he's unsure but at Redevelopment level with bonds through pilot. Might help but unsure. *Mr. Grygiel* agreed.
- *Councilwoman McCartney* asked about Main Street designation for redevelopment done in past. *Mr. Lepore* answered from Babcock to Washington. Councilwoman followed up to ask if there's any effect on this. *Mr. Lepore* responded that he's unsure.

NO PROFESSIONALS QUESTIONS

NO PUBLIC QUESTIONS

NO PUBLIC COMMENT

DISCUSSION

- *Mr. Grygiel* said that the broader designation *Mr. Lepore* addressed criteria. Evidence was put into the record. In his opinion, West Orange can adopt this and it would make sense to do so.
- *Mr. McPherson* advises that the Board votes to recommend to Town Council Resolution whether to agree or not agree with *Mr. Lepore's* memorandum.

Motion: Chairman Bagoff

Second: Mr. P. Smeraldo

Bagoff: Y	Smeraldo: Y
Guarino: Y	
Klein: Y	Wilkes: LEFT MTG AT 8:01PM
McCartney: Y	
McNair: LEFT MTG AT 9:18PM	yes; absent

GENERAL DISCUSSION

- *Chairman Bagoff* announced that at the October 6, 2021 meeting, West Orange Historic Preservation Commission will be presenting on five (5) properties.

MEETING ADJOURNED at approximately 9:27PM. Called by **Mr. Lee Klein**. Seconded by **Chairman Bagoff**.

Adopted:

Diana L. Chandler
Acting Planning Board Secretary

****THE NEXT REGULAR PLANNING BOARD MEETING WILL BE
WEDNESDAY OCTOBER 6, 2021 AT 7:30 P.M. ****