

MINUTES

TOWNSHIP OF WEST ORANGE PLANNING BOARD MEETING

November 3, 2021

7:30 P.M.

The Township of West Orange Planning Board held its regular meeting on November 3, 2021 at 7:30 P.M. via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 7:41 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS

- The next Planning Board regular meeting will be held **Wednesday December 1, 2021 at 7:30 P.M.**
- **PB 21-10 Altera 769 LLC /769 Northfield Avenue 10/27/2021 Special Meeting via Zoom was cancelled.** Applicant is revising plans and will renote at a date to be determined in the future.

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. Jerry Guarino; Mr. John McNair;
Mr. Christopher Morgan, Sr; Mr. William Wilkes;
Councilwoman Susan McCartney;

ABSENT: Mr. Lee Klein; Mr. John Hess, Town Engineer ; Mr. Peter Smeraldo

ALSO PRESENT: Kenneth D. McPherson III, Esq., Attorney;
Paul Grygiel, Town Planner; Diana L. Chandler, Acting Planning
Board Secretary; Sarab Thapar, Esq., Public Advocate

SWEARING IN:

- *Mr. Paul Grygiel and Mr. David Barry* were sworn in by *Mr. McPherson*.

MINUTES & RESOLUTIONS

[10/6/2021 PB Regular Meeting Minutes](#)

Motion: Chairman Bagoff

Second: Jerry Guarino

ADOPTED

Bagoff:	Y	Smeraldo:	ABSENT
Guarino:	Y		
Klein:	ABSENT	Wilkes:	Y
McCartney:	Y		
McNair:	Y	6 Yes; 2 Absent	
Morgan:	Y		

Notes:

[Historic Landmark Properties Resolution](#)

Motion: Chairman Bagoff

Second: Jerry Guarino

ADOPTED

Bagoff:	Y	Smeraldo:	ABSENT
Guarino:	Y		
Klein:	ABSENT	Wilkes:	Y
McCartney:	Y		
McNair:	Y	6 Yes; 2 Absent	
Morgan:	Y		

[2022 MEETING SCHEDULE](#)

Motion: Chairman Bagoff

Second: John McNair

ADOPTED

Bagoff:	Y	Smeraldo:	ABSENT
Guarino:	Y		
Klein:	ABSENT	Wilkes:	Y
McCartney:	Y		
McNair:	Y	6 Yes; 2 Absent	
Morgan:	Y		

APPLICATIONS

PB 21-09 Sherwin Williams

217 W. Main Street

Block: 116.02; Lot: 1.01; Zone: B-1 (Redevelopment Zone)

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

[Topography and Boundary Survey](#)

[20-187-R3](#)

[List of Properties within 200 feet](#)

[Verification of Taxes & Sewer Charges](#)

[Layout signed- Final with Dismissing Walls Rough](#)

[Application Package- Owners Authorization](#)

[Proposals & Reasons for Relief](#)

[Email Chain- Accent Graphics Inc.](#)

[Cullen-Dykman Representation Letter](#)

[Certified Mail Receipts 10/7/2021](#)

[Certified Mail Receipt](#)

[Form PH 4Z](#)

[Star Ledger](#)

PRESENTATION

- *Mr. Jeffrey A. Zenn* entered on the record for the applicant. Presented *Mr. Marc Milask* of Nova Sign Group. *Mr. Milask* could not be sworn in since camera not functional. *Ms. Katie Allinson*, of Accent Graphics, Inc was sworn in to confirm testimony.
- *Mr. Milask* said applicant is asking for 20 feet luminary sign and tenant panel. Plans shown what predicted to look like with CVS and Family Dollar. This is only for illumination.

BOARD QUESTIONS

- *Mr. Jerry Guarino* asked if the sign was illuminated internally. *Mr. Milask* answered in the affirmative. *Mr. Guarino* asked if requested interior would client approve or is it a hindrance. *Mr. Milask* said that he believes it wouldn't be uniform with the other tenants. *Mr. Guarino* followed that up by asking if the sign was always planned to be internal. *Mr. Milask* answered in the affirmative.
- *Councilwoman Susan McCartney* asked if there are channel letters with each one illuminated. *Mr. Milask* answered in the affirmative. *Mr. Robert White* of Sherwin Williams was sworn in by *Mr. Kenneth McPherson III* and answered that the sign is 2/3 of where the sign is. *Councilwoman McCartney* asked if it would be possible to "straddle" units. *Mr. Milask* said that aesthetically it would need to modify completely to the right to put in middle would cause possible construction issues. *Mr. Robert White* said that there should be no issues in moving.

NO PROFESSIONALS QUESTIONS

- *Chairman Bagoff* said that he doesn't see point in moving to the right of the building. *Councilwoman McCartney* said that she just wants to be sure of the space between to

show respect aesthetically to other businesses. Family Dollar plans from PB 21-08 were brought up to show and prove to *Councilwoman McCartney*. *Chairman Bagoff* wants to leave that to the discretion of the business itself.

NO PUBLIC ADVOCATE QUESTIONS

PUBLIC QUESTIONS

- *Mr. Ron Raymond* Chairman of the Downtown West Orange Alliance mentioned the guidelines and concurs with *Councilwoman McCartney* suggestion of moving sign. *Mr. Robert White* said would be better if dealt with general contractor and if can center it is possible. *Mr. Raymond* asked if the monument sign current versus proposed intended illumination were possible. *Mr. Robert White* answered in the affirmative.

NO PUBLIC COMMENT

PB 21-09 Sherwin Williams

Motion: Chairman Bagoff

Second: Jerry Guarino

APPROVED

Bagoff:	Y	Smeraldo:	ABSENT
Guarino:	Y		
Klein:	ABSENT	Wilkes:	Y
McCartney:	Y		
McNair:	Y	6 Yes; 2 Absent	
Morgan:	Y		

REDEVELOPMENT STUDY

[Main Street Extension Redevelopment Study, September 8, 2021](#)

[Planning Director Memo \(Dated 10-21-2021\)](#)

[Main Street Area in Need of Redevelopment Investigation Presentation](#)

[Planning Board Resolution Recommending Main Street Extension](#)

PRESENTATION

- *Mr. John Barree*, Principal Planner was sworn in by *Mr. Kenneth D. McPherson III* and started presentation based on the 2019 Condemnation area. The area already determined in need of redevelopment plan
 - o Criteria: 1) Exercise of eminent domain 2) Tax
- Analysis of Block 116 and Lot 44 (Commercial building with an auto shop and multiple storefronts vacant. Not operational and deteriorating condition. In *Mr. Barree's* opinion, meets criteria B.)

- Analysis of Block 116.01 needs facelift but not to the point of Block 116/Lot 44.

BOARD QUESTIONS

- *Mr. Jerry Guarino* asked if the property has been studied for solvents with Environmental Protection Agency guidelines and what remediation is involved with the properties. *Mr. Barree* answered that he didn't take environmental analysis but that it would be needed. *Mr. Guarino* followed up by asking if any kind of environmental study done given the type of property it is. *Mr. Barree* said no, not at this time.
- *Councilwoman McCartney* asked in reference to Kling Street properties eliminated. *Mr. Barree* said the Draft Resolution that wasn't acted upon had no properties included on this report. The condemnation for only lots in previous resolution. *Chairman Bagoff* said that the condemnation would only be for the lots in resolution.
- *Councilwoman McCartney* asked if redevelopment can change zoning. Would applicant have to come back to the Planning Board. *Mr. Grygiel* answered that it would have to be vetted with the Master Plan.
- *Councilwoman McCartney* asked *Mr. Grygiel* to explain Historic versus Redevelopment and he explained that unless Board takes action, doesn't restrict improvements on the property.

PROFESSIONALS QUESTIONS

- *Mr. Paul Grygiel* said that this property won't change issues. *Mr. Barree* confirmed and this would help clean it up. *Mr. Grygiel* said based on the criteria it would be classified by Criteria B and he concurred with the deterioration status.

PUBLIC ADVOCATE QUESTIONS

- *Mr. Sarabraj Thapar* asked about the functional difference made between condemnation and eminent domain. *Mr. McPherson* said that the Planning Board doesn't recommend for this property as per report. *Mr. Thapar* asked about the rehabilitation in question. *Mr. Barree* answered that the properties designated already and report reiterated for rehabilitation phased in with a five (5) year plan. *Mr. Thapar* asked if there is a tax break for this. *Mr. Barree* said that it is a possibility. *Mr. Thapar* asked about all properties say age might benefit is there a rule for guidelines. *Mr. Barree* answered that the age for properties in question is usually fifty (50) then determine area would benefit as a whole. *Mr. Thapar* asked if there is a sewer water infrastructure. *Mr. Barree* answered in the affirmative as identified in *Mr. Leonard Lepore's* letter which they are utilizing as a brightline for a guideline. *Mr. Thapar* asked if he knew why building vacant. *Mr. Barree* said that he couldn't tell you, because he doesn't know. *Mr. Thapar* said that the autobody shop has been vacant since 2013, then bought vacant and just nothing has been done with the property. Does he have any idea why that is the case. In response, *Mr. Guarino* suggested *Mr. Thapar* to speak to Downtown West Orange Alliance. *Mr. Paul Grygiel* confirmed that it is not the role of the Planning Board to go this route but to send to the Town Council.

PUBLIC QUESTIONS

- *Mr. Darren Tobia (Columbia Street)* asked if only one property, why need to extend to Washington Avenue and on other ends of Main Street. *Mr. Barree* said that it has already been extended to Washington, but cannot speak on second question as part of Town Council. *Councilwoman McCartney* answered *Mr. Tobia*’s question about vacancy as there isn’t a vacancy on that part of Main Street.
- *Ms. Tez Roro (Hutton Avenue)* asked about the logic behind plan involving improvements. *Mr. Barree* said it was the way statute written, half the properties fifty (50) years or more. Not all renovations are created equal. *Ms. Roro* asked when the decision is made are there requirements. *Mr. Barree* said that there is no mandate but given tools to make it easier.

NO PUBLIC COMMENT

Motion: Chairman Bagoff

Second: Jerry Guarino

APPROVED

Bagoff:	Y	Smeraldo:	ABSENT
Guarino:	Y		
Klein:	ABSENT	Wilkes:	Y
McCartney:	Y		
McNair:	Y	6 Yes; 2 Absent	
Morgan:	Y		

Note: As per *Chairman Bagoff*, “This is to designate as condemnation to the Redevelopment Area.”

GENERAL DISCUSSION/SPECIAL ANNOUNCEMENT

- *Chairman Bagoff* announced that *Mr. Kenneth McPherson III*’s resignation is accepted and wanted to thank him for everything he has done for the West Orange Planning Board. *Mr. McPherson* thanked the Board and especially the Planning Department for their efforts. *Chairman Bagoff* said that he has been involved with the Mayor and legal department in finding a replacement and found *Ms. Diana P. McGovern, Esq.* *Ms. McGovern* has numerous years of experience and currently serves as counsel for the Nutley Zoning Board of Adjustment.

APPROVAL OF APPOINTMENT OF MS. DIANA. P. McGOVERN, ESQ.

Motion: Chairman Bagoff

Second: Vice Chairman Wilkes

APPROVED

Bagoff:	Y	Smeraldo:	ABSENT
Guarino:	Y		
Klein:	ABSENT	Wilkes:	Y
McCartney:	Y		
McNair:	Y	6 Yes; 2 Absent	
Morgan:	Y		

Note:

Meeting adjourned at 9:02P.M. Motion by *Chairman Bagoff*. Seconded by *Vice Chairman Wilkes*.

****THE NEXT REGULAR PLANNING BOARD MEETING WILL BE
WEDNESDAY DECEMBER 1, 2021 AT 7:30 P.M. ****

ADOPTED: 12/1/2021

Diana L. Chandler
Acting Planning Board Secretary