

PB-96-06

PLANNING BOARD RESOLUTION GRANTING
PRELIMINARY AND FINAL MINOR SUBDIVISION

Lot 60, Block 177.12, Zone R-4

- and -

GRANTING VARIANCES AND WAIVERS AND CONDITIONALLY
APPROVING PRELIMINARY AND FINAL MAJOR SUBDIVISION

Lot 1, Block 178, Zone R-4

WHEREAS, the Planning Board of the Township of West Orange at a Special Meeting on May 22, 1996, considered the application for a minor subdivision of Lot 60, Block 177.12 which has become to be known as the Pleasantdale Chateau and Conference Resort, Inc., 757 Eagle Rock Avenue, West Orange, New Jersey, which application was a joint application submitted by SGS Communities at West Orange, LLC with the consent of the owner of the property, the Pleasantdale Chateau and Conference Resort, Inc., and

WHEREAS, the Board further considered the application of SGS Communities at West Orange, LLC for a preliminary and final major subdivision of Lot 1, Block 178 with the consent of the owners, the Pleasantdale Chateau and Conference Resort, Inc. which requested a major subdivision of said property into 87 lots, and

WHEREAS, the application for preliminary and final subdivision on Lot 1, Block 178 additionally requested and required a variance from Section 25-6.8c4 encroachment on ridge line in order to permit encroachment into the required 120 foot wide ridge buffer and a variance to permit lot width on the cul-de-sacs located throughout the site to be reduced from 75 feet to 62.5 feet, and

WHEREAS, the applicant requested design waivers with respect to the length of the cul-de-sac on Bakley, Coggins and Cliff Streets as well as the tangent positions of the turnarounds on Rappley, Jagger, Bakley and Cliff Streets, and

WHEREAS, the Planning Board having heard the presentation of the attorney for SGS Communities at West Orange, LLC, Robert C. Williams, Esq., and the testimony of Theodore A. Cassera, a licensed engineer in the State of New Jersey and a licensed professional planner and having heard the testimony of a representative of SGS Communities at West Orange, LLC, Mr. Howard Schoor, and

WHEREAS, Exhibits A1 through A9 were offered into evidence, and

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WHEREAS, the general public having had an opportunity to be heard, and

WHEREAS, the Board had the opportunity to have questions proposed by Samuel Gershwin, an adjacent property owner, and another resident, and

WHEREAS, members of the public were given an opportunity to make statements in favor of the application and no one having spoke in opposition to the application, and

WHEREAS, the Board heard the arguments of counsel for the Applicant, Robert C. Williams, Esq., and

WHEREAS, the applicant presented proof from the Secretary of the Board that adequate notice of the hearing of said application was published in the West Orange Chronicle, one of the official newspapers and Notice to the adjacent property owners was made according to law, and

WHEREAS, Susan Borg, AIA, PP, Director of Planning and Leonard Lepore, Municipal Engineer and Director of Public Works of the Township of West Orange submitted reports and offered sworn opinions and comments that the Board considered, and

WHEREAS, all facts and data contained in the submitted application and all facts and testimony introduced at the public hearing on said application are hereby incorporated as findings of facts of this Board as if set forth at length herein and the Board having made the following specific findings of facts and conclusions:

1. The applicant is proposing to subdivide Lot 60, Block 177.12 in order to allow direct access to the adjacent property commonly referred to as the residential site from Oval Road.

2. The subdivision will permit the development of homes by SGS Communities at West Orange, LLC as part of their major subdivision and will provide an easement over said property to the land presently occupied by the Pleasantdale Chateau and Conference Resort, Inc.

NOW, THEREFORE, be resolved that the approval of the minor subdivision for property known as Lot 60, Block 177.12 as described on Minor Subdivision Map and Historical Limits prepared by McCumsey Petry, P.C. dated August 4, 1995 with amendments through May 22, 1996, James McCumsey, PE, LSPP is hereby approved, and

BE IT FURTHER RESOLVED, that the applicant's request for a "C-2" variance for the encroachment upon the 120 foot ridge buffer and a variance for a lot frontage on cul-de-sacs located on Lot 1, Block 178 as shown on plan dated March 15, 1996 and prepared by Schoor DePalma is hereby granted since the Board has specifically determined that (1) the benefits of said variance will substantially outweigh any detriment and will not have a

negative impact on the surrounding properties and neighborhood; (2) the property has unique topographical and physical features; and (3) the granting of the variance will not substantially impair the general purpose of the zoning plan, the master plan or the zoning ordinances of the Township of West Orange nor will they substantially impair the public good and

BE IT FURTHER RESOLVED, that the Board adopts as a finding of fact that the encroachment upon the ridge buffer, is more than adequately compensated by the conservation easement of 4.168 acres provided by the applicant and will satisfy the intent and purpose of the ridge buffer ordinance, and

BE IT FURTHER RESOLVED, that the Board adopts as a finding of fact that the lot width provided on the cul-de-sacs throughout the plan is adequate and would not have a negative impact on the surrounding properties, and

BE IT FURTHER RESOLVED, that conditioned upon the approval of the preliminary and final major subdivision for Lot 1, Block 178, the following variances are granted for said lot:

1. Encroachment upon the 120 foot ridge buffer.
2. Variances for a lot width on cul-de-sacs as shown on plan of Schoor DePalma dated March 15, 1996, and

BE IT FURTHER RESOLVED, that the applicant shall be and is hereby granted a design waiver for the length of the cul-de-sacs located at Bakley, Coggins and Cliff Street as well as the tangent position of turnarounds on Rappley, Jagger, Bakley and Cliff Streets, and

BE IT FURTHER RESOLVED, that the application for preliminary and final subdivision pursuant to plans submitted by Theodore Cassera, professional engineer dated March 15, 1996 resulting in Lot 1, Block 178 being subdivided into 87 lots is hereby approved subject to the following conditions:

1. The applicant shall apply to the West Orange Town's Council to obtain ^{vacant} Town'ship property located at the top of Marmon and Arnold Terrace.
2. The applicant shall satisfy Director Lepore with regard to his letter dated May 22, 1996 unless otherwise made part of these special conditions and shall be part of the developer agreement.

3. The applicant shall apply to the Township Council of West Orange for sidewalk waivers on the interior streets (Rapple, Jagger, Kinzel, Coggins, Bakley, Pring, and Cliff) of the subdivision on one side.
4. The applicant shall place deed restrictions on the lots which are located within the ridge buffer which comprise the 4.168 conservation area (Lots 55-58, 65 & 66). Deed restrictions shall be placed on lots in the ridge line indicating that the property is subject to the West Orange Township tree ordinance. (Lots 47, 55-63, 68, 71-73, 76-80).
5. The applicant agrees to pay the sum of \$21,700.00 to the West Essex Highlands Homeowner's Association in order to permit the Association to purchase approximately 300 trees to be placed on property owned by residents of the West Essex Highlands and maintained by the Highlands and/or the individual property owners in order to create additional buffering between the parcels to be subdivided and the existing residences at the West Essex Highlands.
6. The subdivision is subject to the condition that the houses to be constructed on the lots which result from the subdivision shall be subject to the agreement with SGS Communities at West Orange, LLC and the Pleasantdale Chateau and Conference Resort, Inc. with respect to the design of the homes.
7. The applicant shall contribute its fair share to the construction of a traffic light at the corner Eagle Rock Avenue and Oval Road, when required by the County of Essex.
8. A Homeowner's Association shall be created for the 87 lots which shall be responsible for the upkeep and maintenance of the detention basins and gate house and shall be part of the developer's agreement. In the event the Homeowner's Association fails to maintain the basins and gate house, the individual property owners shall be assessed by the Township for expenses incurred.
9. The entrance sign to the subdivision at Oval Road shall be subject to the approval of the Township Planner.
10. The applicant shall secure easements from adjacent property owners on Marie Terrace prior to filing the major subdivision pursuant to the Map Filing Law.
11. The applicant shall contribute \$10,000.00 to the Township of West Orange for improvements on Quarry Terrace as a result of the potential impact of this project on Quarry Terrace.
12. The application is subject to the approval of the West Orange Township Fire Department.

13. The applicant shall pay the appropriate developers fee and all applicable sewer fees.
14. The applicant shall obtain approval from the Essex County Planning Board.
15. The applicant shall provide a 20 foot wide easement at the end of Bakley Terrace for water and emergency access to the property of the adjacent property owner.
16. The applicant shall provide construction fencing to protect the remaining trees on each lot at time of construction.
17. The applicant acknowledges and although it will provide the emergency access at the top of Marie Terrace, the maintenance of said easement including snow removal shall be borne by the Township of West Orange.
18. The applicant shall provide sufficient Right of Way as requested by Mr. Lepore for the future installation of sidewalks on Oval Road and shall have the option to apply to the Township Council for sidewalk waiver.

The foregoing is a true copy of the resolution adopted by the Planning Board of the Township of West Orange.

Dated:

July 10, 1996

Migdalia Wagner
MIGDALIA WAGNER, Secretary