

**RESOLUTION**

**Township of West Orange**

**Planning Board**

**PB 22-01 Pleasantdale Chateau & Conference Resort, Inc./ 757 Eagle Rock Avenue**

**Block: 177.12 Lot: 60; Zone: R-4/ H-Historic Landmark**

**Decided on April 6, 2022**

**Memorialized on May 4, 2022**

**C (2) Variance and Preliminary and Final Site Plan Approval**

**WHEREAS**, Pleasantdale Chateau & Conference Resort, Inc. (Hereinafter the “Applicant”) has made an application for a c (2) Variance and Preliminary and Final Site Plan approval in order to construct an enclosed “Conservatory” space for use as an assembly space for ceremonies and performances in support of functions held at the existing facility located at 757 Eagle Rock Avenue, also known as Block: 177.12; Lot 60, in the R-4/H- Historic Zone; and

**WHEREAS**, a properly noticed public hearing was conducted on April 6, 2022; and

**WHEREAS**, the Applicant was represented by Robert C. Williams, Esq.; and

**WHEREAS**, the Applicant provided testimony by Michael Lanzafama of Casey & Keller, Inc., a professional civil engineer and planner whose credentials were accepted by the Board (For both Engineering and Planning); and

**WHEREAS**, the Applicant provided testimony by Donald Fiore, R.A., A.I.A., of Heintz & Fiore, AIA, Architects, a licensed architect in the State of New Jersey whose credentials were accepted by the Board; and

**WHEREAS**, the Applicant submitted the following documents to the Board in the form of the application package:

| ITEM                                          | SIGNED BY                              | DATE/REVISION |
|-----------------------------------------------|----------------------------------------|---------------|
| Cover Sheet, Dwg. No. 1                       | Michael T. Lanzafama of Casey & Keller | 2/28/2022     |
| Partial Topographic Survey, Dwg. No. 2        | Michael T. Lanzafama of Casey & Keller | 2/28/2022     |
| Demolition Plan, Dwg, No. 3                   | Michael T. Lanzafama of Casey & Keller | 2/28/2022     |
| Conservatory Addition Site Plan, Dwg. No. 4   | Michael T. Lanzafama of Casey & Keller | 2/28/2022     |
| Conservatory Addition Grading & Drainage Plan | Michael T. Lanzafama of Casey & Keller | 2/28/2022     |

|                                                                      |                 |          |
|----------------------------------------------------------------------|-----------------|----------|
| A-0.1 Cover Sheet, Code Data, List of Drawings                       | Donald R. Fiore | 1/4/2022 |
| A-0.2 Location Plan                                                  | Donald R. Fiore | 1/4/2022 |
| A-0.3 Part Site Plan, Inspirational Photos                           | Donald R. Fiore | 1/4/2022 |
| A-1.1 Architectural First Floor Plan                                 | Donald R. Fiore | 1/4/2022 |
| A.1.2 Architectural Second Floor Plan                                | Donald R. Fiore | 1/4/2022 |
| A.1.3 Architectural Roof Plan                                        | Donald R. Fiore | 1/4/2022 |
| A-2.1 Exterior Elevations-East Side, Existing Photos                 | Donald R. Fiore | 1/4/2022 |
| A-2.2 Exterior Elevations-West Side                                  | Donald R. Fiore | 1/4/2022 |
| A-2.3 Exterior South Elevation, Part Demo Elevation, Existing Photos | Donald R. Fiore | 1/4/2022 |
| A-2.4 Exterior Elevations-North Side, Existing Photos                | Donald R. Fiore | 1/4/2022 |
| A-2.5 Exterior Elevations-Squash Court, Existing Photos              | Donald R. Fiore | 1/4/2022 |
| A-2.6 Exterior Elevations-Pool, Existing Photos                      | Donald R. Fiore | 1/4/2022 |
| A-2.8 Miscellaneous Elevations                                       | Donald R. Fiore | 1/4/2022 |
|                                                                      |                 |          |

**WHEREAS**, representatives of the public asked questions of the witnesses and had an opportunity to offer statements in regard to the application; and

**WHEREAS**, the Board reviewed and considered the application, testimony and documents submitted therewith; and

**WHEREAS**, the Board also considered the input of its professionals at the hearing; and

**NOW THEREFORE**, the Board makes the following findings of fact, based upon the evidence presented at its public hearings, at which a record was made:

1. The Applicant is requesting preliminary and final site plan approval with variance relief for development of an enclosed "Conservatory" space for use as an assembly space for ceremonies and performances in support of functions held at the existing facility.
2. Testimony established that current similar functions are held either inside the existing ballroom or in an outside tent that is approximately 2,000 square feet.

3. The property is located on Eagle Rock Avenue and the surrounding area is characterized by dense woods bordering on residential homes.
4. The Applicant has taken great care to propagate the existing trees and other landscaping so as to continue to maintain the natural wooded environment while also preserving the historic structure by re-using existing clay roof tiles, and other original decorative and structural components present on site.
5. The application requires the following bulk variance (c (2)) relief from the Board:

| Section      | Required                                                                                   | Existing                                                 | Proposed  |
|--------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------|
| 25-12.2. b.1 | 331 parking spaces, plus 58 additional spaces (1 space per 45 sq. ft. of gross floor area) | 174 spaces, plus 14 tandem spaces and 14 "future" spaces | No change |

6. N.J.S.A. 40:55D-46a. and b. and N.J.S.A. 40:55D-50a. govern the Board's review of the preliminary and final site plan application. N.J.S.A. 40:55D-46a provides that an "ordinance requiring site plan review and approval shall require the developer submit to the administrative officer a site plan and such other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary site plan approval have been met." N.J.S.A. 40:55D-46a further provides that "The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient." N.J.S.A. 50:55D-46b provides that "if the planning board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development" and "the planning board shall, if the proposed development complies with the ordinance and this act, grant preliminary site plan approval." N.J.S.A. 40:55D-50a. provides that final site plan approval "shall" be granted if the detailed drawings, specifications, and estimates of the application conform to the standards of all applicable ordinances and the conditions of preliminary approval. As such if the applicant meets the standards set forth in the ordinances, the planning board lacks the authority to deny approval of the site plan and subdivision. N.J.S.A. 40:55D-50a; PRB Enters., Inc. v. S. Brunswick Planning Bd., 105 N.J. 1, 7 (1987); Dunkin' Donuts

of N.J., Inc. v. Twp. of N. Brunswick Planning Bd., 193 N.J. Super. 513, 515 (App. Div. 1984).

Conversely, if the application does not comply with all ordinance requirements, the Board must deny approval. Cortesini v. Hamilton Planning Board, 417 N.J. Super. 201, 215 (App. Div. 2010). However, there are two exceptions: (1) The first exception is where an application does not comply with all ordinance requirements but the Board grants relief in terms of variances or exceptions. In that case, the Board then must review the application against all remaining ordinance requirements and grant approval if the application complies with all such remaining requirements.

7. N.J.S.A. 40:55D-60 permits a planning board to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a “d” variance as part of site plan or subdivision review. The variance proofs are the same as for “c” variances as set forth in N.J.S.A. 40:55D-70. A c (2) variance may be granted when the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c (2)” variance must include benefits to the community as a whole, not just the applicant or property owner. A “c” variance must address the “negative criteria,” and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality.

**NOW, THEREFORE,** based upon the foregoing findings of fact, the Board reaches the following conclusions of law:

1. This application requires the following variance relief, as well as site plan approval:

| Section     | Required                                                                                   | Existing                                                 | Proposed  |
|-------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------|
| 25-12.2.b.1 | 331 parking spaces, plus 58 additional spaces (1 space per 45 sq. ft. of gross floor area) | 174 spaces, plus 14 tandem spaces and 14 “future” spaces | No change |

2. Testimony established that new parking needs are not anticipated as the use of the facility ballroom or tent for an event would be shifted to the new conservatory area and will not create any foreseeable additional parking needs.
3. With respect to the negative criteria under the MLUL, the Board accepts the testimony that there is no detriment to the public good as the proposed conservatory will be roughly the same square footage as the tents that are used and taken down and will not create any more of an intense use of the property than what occurs now and what has taken place over many years with no negative effects.

4. The project meets the goals of the Master Plan as it fulfills the goals and objectives including, creating a more efficient use of space and will promote a desirable visual environment through creative development.

**NOW THEREFORE** be it resolved by the Planning Board of the Township of West Orange that preliminary and final site plan approval for the construction of an enclosed “Conservatory” space for use as an assembly space for ceremonies and performances in support of functions held at the existing facility with variance relief for the application of Pleasantdale Chateau & Conference Resort, Inc. for property located at 757 Eagle Rock Avenue, is determined as follows:

1. The Board grants the following bulk variance relief pursuant to N.J.S.A. 40:55D-70 c(2):

| Section     | Required                                                                                   | Existing                                                 | Proposed  |
|-------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------|
| 25-12.2.b.1 | 331 parking spaces, plus 58 additional spaces (1 space per 45 sq. ft. of gross floor area) | 174 spaces, plus 14 tandem spaces and 14 “future” spaces | No change |

2. Preliminary and final site plan approval is granted to the Pleasantdale Chateau & Conference Resort, Inc. for the construction of an enclosed “Conservatory” space along with the variance approvals set forth above.

**AND IT IS FURTHER RESOLVED** that the above approval is subject to the following terms and conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land disturbance or construction but excluding interior renovations, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals.
2. If another governmental entity or agency grants a waiver or a variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.
3. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successor or assigns construct or attempt to

construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.

4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.
5. The Applicant shall pay all outstanding taxes, tax liens, application fees and technical review fees, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of the notification or this approval shall be deemed withdrawn.
6. All notes included in the approved plans, including notes required by this Resolution, shall be deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution.
7. Applicant agrees to comply with the recommendations and directives set forth in the reports of the Township Engineer and Planner.
8. Applicant shall list all conditions of approval onto a final site plan submission.
9. Applicant shall meet with the Township representative to review the area of Oval Road regarding any necessary required maintenance and shall abide by the instruction of the Township and address any suggested changes to foliage or other maintenance issues as determined by the Township.
10. Applicant shall comply with the design comments set forth in the report dated April 1, 2022, by the Township Engineer.
11. When the 14 future/new parking spaces (Set forth in Resolution PB-03-16) are constructed, Applicant will construct two (2) charging stations for electric vehicles.
12. Upon completion of construction, the Applicant will review the condition of Oval Road with the Township Engineer and will make any necessary repairs caused as a result of construction vehicles or construction practices.

The undersigned secretary certifies the decision set forth herein was made by this Board on April 6, 2022 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 4, 2022.

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Diana L. Chandler-Zimmerman, Acting  
Board Secretary