

RESOLUTION

Township of West Orange

Planning Board

PB 22-05 West Orange Public Schools/289 Main Street

Block: 125.01 Lot: 40; Zone: R-T

Decided on July 6, 2022

Memorialized on August 3, 2022

School Facilities Project Review

WHEREAS, West Orange Public Schools (Hereinafter the “District”) has made a referral to the Planning Board for a courtesy review of a school facilities project pursuant to N.J.S.A. 40:55D-31(a) and N.J.A.C. 6A:26-3.2(c) in order to replace a retaining wall and install a Temporary Classroom Unit (“TCU”) at property located at 289 Main Street, also known as Block: 125.01; Lot 40, in the R-T Zone; and

WHEREAS, a public hearing was conducted on July 6, 2022; and

WHEREAS, the District was represented by Marina V. Stinely, Esq. of the firm Cleary, Giacobbe, Alfieri, Jacobs, LLC; and

WHEREAS, the District provided testimony by Robert E. Walsh, PE, PP, of EI Associates, a licensed professional civil engineer and planner whose credentials were accepted by the Board (for both Engineering and Planning); and

WHEREAS, the District provided testimony by Michael J. Wozny, AIA, of EI Associates, a licensed professional architect whose credentials were accepted by the Board; and

WHEREAS, the District submitted the following documents to the Board in the form of the submission package:

ITEM	SIGNED BY	DATE/REVISION
Retaining Wall Replacement Site Plans (consisting of 2 sheets)	Gaetano P. Cipriano, P.E. of EI Associates	Last Revised June 20, 2022
New TCU & Parking Site Plans and Sections and Details (consisting of 3 sheets)	Gaetano P. Cipriano, P.E. of EI Associates	June 17, 2022
Application Form	Tonya Flowers, Business Administrator/Board Secretary	June 22, 2022
Exhibit 1 – Aerial Photograph of the property	Robert E. Walsh, PE, PP of EI Associates	July 6, 2022

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

WHEREAS, the Board reviewed and considered the school facilities project, 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 District has submitted a referral to the Planning Board for courtesy review of a school facilities project pursuant to N.J.S.A. 40:55D-31(a) and N.J.A.C. 6A:26-3.2(c) to replace an existing retaining wall and to install a Temporary Classroom Unit ("TCU") on the property.
2. The property is located on Main Street and the surrounding area is characterized by businesses and retail, including an automobile rental business to the South.
3. The school facilities project does not require any variance relief from the Board.
4. The District referred the subject school facilities to the Planning Board for "review and recommendation in conjunction with [the] master plan[.]" N.J.S.A. 40:55D-31(a). The District may not act upon the proposed school facilities project without first reviewing the Planning Board's recommendation. Id. Approval of the proposed school facilities project is determined by the State Board of Education. See N.J.S.A. 18A:18A-16. The Planning Board's recommendations and objections must be considered by the Bureau of Facility Planning Services of the New Jersey Department of Education. Id. However, the Planning Board's role is "strictly recommendatory." Murnick v. Bd. of Educ. of Asbury Park, 235 N.J. Super. 225, 230 (App. Div. 1989).

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

1. Testimony established that there currently exists a retaining wall that will be replaced with a new retaining wall made of reinforced cast in place concrete with a minimum height of six inches on the school side with a chain link fence (To replace the existing chain link fence) on top of the retaining wall. The fence will be of the same or similar height and construction as what currently exists.
2. The proposed TCU will be installed on the existing asphalt and the asphalt will be striped to designate crosswalks and other striping to safeguard pedestrians.
3. The existing fence height is 16 feet at the corner (As it was used as a backstop for kickball), and the balance of the fence was approximately 8 feet. The new fence will be of similar height and no higher than 16 feet.
4. The TCU will have one small vestibule with two classrooms that will each have bathroom facilities. The intended use of the TCU is for 12 special education students along with a teacher and an aide in each classroom. The TCU will be ADA compliant.

5. The means of ingress to the TCU on the school side of the TCU will be a ramp and there is a second means of ingress/egress from the rear of each classroom.
6. The lease for the TCU is three (3) years and can be extended once the Board of Education has completed its enrollment study for projected enrollment.
7. The TCU will have fire alarms and sprinklers and an ambulance will have direct access to drive up to the TCU.
8. The dumpsters which are currently located where the TCU will be moved to the northern end of the retaining wall.
9. The placement of the TCU was determined to be the best location because there are requirements as to minimum distance from a building that the TCU can be placed, there is a manhole on the asphalt that could not be covered, and parts of the area are sloped.
10. The Township Planner, Paul Grygiel, testified that he is satisfied with the plan as presented.
11. The project meets the goals of the Master Plan as it fulfills the goals and objectives including, that there is a pressing need for additional classroom space while the West Orange Public Schools determines enrollment.

NOW THEREFORE be it resolved by the Planning Board of the Township of West Orange that the District's school facilities project for the replacement of a retaining wall and installation of a Temporary Classroom Unit (TCU) for property located at 289 Main Street, is not inconsistent with the Township Master Plan.

AND IT IS FURTHER RESOLVED that the Planning Board makes the following recommendations regarding the school facilities project:

1. The District 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.
2. 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 District or its successor or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this review, the Board hereby reserves the right to withdraw, amend or supplant the instant review and recommendations.
3. All construction, use and development of the property shall be in conformance with the plans reviewed herein, all representations of the District and its witnesses during the public hearing, all exhibits introduced by the District, and all terms and conditions of this resolution.

4. All notes included in the reviewed plans, including notes required by this Resolution, shall be deemed conditions of the Planning Board's review having the same force and effect as recommendations expressly set forth in this Resolution.
5. The fire alarm detection enunciation panel will have a separate zone identifying the TCU.

The undersigned secretary certifies the decision set forth herein was made by this Board on July 6, 2022 and memorialized herein pursuant to N.J.S.A. 40:55D10(g) on August 3, 2022.

Jamilet Baquerizo Vite, Planning Board
Secretary