

1. Conference Meeting Agenda

Documents:

[CA 6.12.19.PDF](#)

2. Public Meeting Agenda

Documents:

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3. Resolution(S)

3.I. 151-19

Documents:

[151-19 MUNICIPAL PARKING YARD NO. 8 - LAND SURVEYING, GENERAL CIVIL AND STRUCTURAL ENGINEERING.PDF](#)
[151-19 ATTACHMENT.PDF](#)

3.II. 152-19

Documents:

[152-19 INTRODUCTION OF 2019 MUNICIPAL BUDGET.PDF](#)

3.III. 153-19

Documents:

[153-19 EXEMPTION FROM REAL ESTATE TAXES - TOTALLY DISABLED VETERAN.PDF](#)

3.IV. 154-19

Documents:

[154-19 RAFFLE LICENSES 6.11.19.PDF](#)

3.V. 155-19

Documents:

[155-19 AUTHORIZING REFUND FOR OVERPAYMENT OF TAXES.PDF](#)

3.VI. 156-19

Documents:

[156-19 HOMESTEAD REBATE REFUND RESOLUTION.PDF](#)

3.VII. 157-19

Documents:

[157-19 TAX COURT RESOLUTION.PDF](#)
[157-19 ATTACHMENT.PDF](#)

3.VIII. 158-19

Documents:

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3.IX. 159-19

Documents:

[159-19 CHANGE ORD. NO. 4 - GINNY DUENKEL POOL.PDF](#)

3.X. 160-19 Personnel Matter (Confidential)

3.XI. 161-19

Documents:

[161-19 EXECUTIVE SESSION 6.12.19.PDF](#)

4. Ordinance(S) On Second And Final Reading

4.I. 2573-19

Documents:

[2573-19 ORDINANCE - ADOPTING ESSEX GREEN - EXECUTIVE DRIVE REDEVELOPMENT PLAN.PDF](#)
[2573-19 EXHIBIT A - EXECUTIVE DRIVE ESSEX GREEN PLAN.PDF](#)

4.II. 2574-19

Documents:

[2574-19 AMENDING AND SUPPLEMENTING PLEASANT VALLEY WAY EAST.PDF](#)

4.III. 2575-19

Documents:

[2575-19 AMENDING AND SUPPLEMENTING 303 MT. PLEASANT AVE..PDF](#)

5. Ordinances On First Reading

5.I. 2578-19

Documents:

[2578-19 CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL CAP.PDF](#)

6. ABC Hearing

6.I. 618-19

Documents:

[618-19 AMC_2017KWK.PDF](#)

6.II. 620-19

Documents:

[620-19 RENEWAL RESOLUTION \(2\) 6.11.19.PDF](#)

6.III. 621-19

Documents:

[621-19 CLUB 466 CATERERS LLC-SPECIAL CONDITIONS RENEWAL.PDF](#)

6.IV. 622-19

Documents:

[622-19-18 HUGUITOS-SPECIAL CONDITIONS.PDF](#)

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Documents:

[623-19 ANGELITOS LLC T-A EL PALACIO DE POLLO.PDF](#)

6.VI. 624-19

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[624-19 1920S ESSEX HOUSE.PDF](#)

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Documents:

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Township of West Orange-Revised
CONFERENCE MEETING AGENDA
Council Chambers – 66 Main Street
Wednesday, June 12, 2019

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on September 26, 2018, and published in the West Orange Chronicle on October 4, 2018.

Roll Call – Councilwoman Casalino, Councilman Krakoviak, Councilwoman Matute-Brown, Councilwoman McCartney, Council-President Guarino, Mayor Parisi

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6:30 P.M

Citation: Recognition of Izuchukwu Ernest Anuamadi

Update – Redevelopment

Council Liaison Announcements

7:00 P.M.

Public Meeting

PUBLIC MEETING AGENDA-Amended

**Township of West Orange
66 Main Street – Council Chambers**

Wednesday, June 12, 2019

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on September 26, 2018, and published in the West Orange Chronicle on October 4, 2018.

Statement of Decorum

In all matters not provided for in subsection 3-15.1 and except upon consent of the Council President, each person addressing the Council pursuant to this subsection shall be required to limit his or her remarks to five (5) minutes, and shall at no time engage in any personally offensive or abusive remarks. The chair shall call any speaker to order who violates any provision of this rule. (1972 Code § 3-15.2)

Roll Call – Councilwoman Casalino, Councilman Krakoviak, Councilwoman Matute-Brown, Councilwoman McCartney, Council President Guarino (Mayor Parisi)

- 1. Pledge of Allegiance**
- 2. Public Comment**
- 3. *Consent Agenda**
- 4. *Approval of Minutes of Previous Meeting – Public Meeting May 29, 2019**
- 5. *Report of Township Officers - None**
- 6. *Reading of Petitions and Communications and Bids - None**
- 7. *Bills**
- 8. *Resolutions**
 - a. 151-19 Resolution Authorizing a Professional Services Contract Awarded to Frank H. Lehr Associates, 101 South Harrison Street, East Orange, New Jersey 07018 to Provide Professional Engineering Services for the Improvement of the Municipal Parking Yard No. 8 in the Pleasantdale Section at 492-496 Pleasant Valley Way for a Fee NTE \$23,500.00. (Lepore)
 - b. **152-19** Resolution to Introduce the 2019 Local Municipal Budget (Gross)
 - c. **153-19** Resolution Authorizing an Exemption from Real Estate Taxes for a Totally Disabled Veteran as of December 6, 2018, Authorizing the Tax Collector to Refund the Sum of \$6,849.57 which Represents Real Estate Taxes Paid, Pursuant to N.J.S. 54: 4-3.30 et seq. for Property at 6 DOCKERY DRIVE (Block 154.17, Lot 138) (Tax Assessor)
 - d. **154-19** Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
 - e. **155-19** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to An Overpayment of Second Quarter Taxes (Gagliardo)
 - f. **156-19** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to a Homestead Rebate Credit (Gagliardo)
 - g. **157-19** Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey (Gagliardo)
 - h. **158-19** Resolution Authorizing the Township of West Orange Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, c.72 (Gagliardo)

- i. **159-19** Resolution Authorizing Change Order No. 4 and Final for the Contract Proposed Improvements at the Ginny Duenkel Pool with Drill Construction Co., Inc., 80 Main Street, Suite 270, West Orange, New Jersey 07052 in the Amount of \$5,881.00 (Lepore)
- j. **160-19** Resolution Authorizing the Business Administrator to File an Application for Involuntary Disability (Legal-Moon)
- k. **161-19** Resolution Authorizing an Executive Session to Discuss a Matter of Contract Negotiations

9. Ordinances on Second and Final Reading

- a. **2573-19** Ordinance of the Township of West Orange, In the County of Essex, New Jersey, Adopting a Redevelopment Plan for Block 155, Lots 40.02, 40.03, 41.02, 42.02 and Block 155.21, Lot 40 Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (Essex Green-Executive Drive Redevelopment Area) (Legal)
- b. **2574-19** An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-10.1 Stopping or Standing Prohibited During Certain Hours on Certain Streets of the Revised General Ordinances of the West Orange (Pleasant Valley Way) (Lepore)
- c. **2575-19** An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-23.1 Turn Prohibitions During Certain Hours on Certain Streets of the Revised General Ordinances of the Township of West Orange (303 Mt. Pleasant Ave.) (Lepore)

10. Ordinances on First Reading

- a. 2578-19 Calendar Year 2019 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14) (Gross)

11. Pending Matters/New Matters/Council Discussion

12. ABC Hearing

- a. **620-19** Hearing on Renewal for Plenary Retail Consumption, Distribution and Club Licenses for the 2019-2020 License Term (Clerk)
- b. **618-19** Hearing on Renewal for 2019-2020 License Term-**AMC Entertainment International** 0722-33-066-009 (Special Conditions)
- c. **621-19** Hearing on Renewal for 2019-2020 License Term-**Club 466 Caterers, Inc.** 0722-33-035-012 (Special Conditions)
- d. **622-19** Hearing on Renewal for 2019-2020 License Term-**Huguitos Restaurant and Bar, LLC** 0722-33-024-005 (Special Conditions)
- e. **623-19** Hearing on Renewal for 2019-2020 License Term-**Angelito's, LLC** 0722-33-039-008 (Special Conditions)
- f. **624-19** Hearing on Renewal for 2019-2020 License Term – **1920's Road House, Inc.** 0722-33-071-003 (Special Conditions)
- g. **625-19** Hearing on Renewal for 2019-2020 License Term – **SuzyQues, LLC** 0722-33-009-012 (Special Conditions)

13. Adjournment

The Council President may at his/her discretion modify with consent the order of business at any meeting of the Council if he/she deems it necessary and appropriate.

(1972 Code § 3-8; Ord. No. 726-84; Ord. No. 1157-93; Ord. No. 2128-07 § II)

Agenda is subject to change.

RESOLUTION

WHEREAS, the Township of West Orange proposes the Improvement of the Municipal Parking Yard No. 8 located in the Pleasantdale Section at 492-496 Pleasant Valley Way; and

WHEREAS, to prepare plans, specifications, and bid documents the Township requires the services of a professional land surveying, general civil engineering and structural engineering firm; and

WHEREAS, the Township Engineer prepared a Request for Proposal dated April 25, 2019 for these professional design services; and

WHEREAS, the Township Engineer solicited proposals from five professional engineering and land surveying firms: Frank H. Lehr Associates, of East Orange, N.J.; Suburban Consulting Engineers, Inc. of Mt. Arlington, N.J.; Keller and Kirkpatrick of Morris Plains, New Jersey, PS&S of Warren, New Jersey and Crew Engineers of Butler, New Jersey all of whom responded to the Township's Request for Qualifications; and

WHEREAS, all firms except Crew Engineers responded to the Request for Proposals; and

WHEREAS, the Township Engineer upon review of the proposals determined Frank H. Lehr Associates was the most responsive firm for the least cost; and

WHEREAS, Frank H. Lehr Associates included \$3,200.00 for construction support which includes four visits to the site to observe work quality and work progress; and

WHEREAS, Frank H. Lehr Associates previously provided professional engineering services to the Township and their work quality was excellent; and

WHEREAS, by letter dated June 3, 2019 the Township Engineer recommended a professional services contract be awarded to Frank H. Lehr Associates, 101 South Harrison Street, East Orange, New Jersey 07018 for the design, specifications and bid documents for the Improvement of the Municipal

Parking Yard No. 8 492-496 Pleasant Valley Way in accordance with their proposal dated May 20, 2019
in an amount not to exceed \$23,500.00; and

WHEREAS, sufficient funds exist for the services outlined in the proposal of Frank H. Lehr
Associates; and

WHEREAS, the Township Council concurs in the foregoing.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange,
New Jersey that a professional services contract be awarded to Frank H. Lehr Associates, 101 South
Harrison Street, East Orange, New Jersey 07018 to provide professional engineering services for the
Improvement of the Municipal Parking Yard No. 8 in the Pleasantdale Section at 492-496 Pleasant Valley
Way in accordance with their proposal dated May 20, 2019 for a fee not to exceed \$23,500.00.

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the West Orange
Chronicle within ten (10) days of its approval as required by State Statute.

KAREN J. CARNEVALE, R.M.C.
Municipal Clerk

JERRY GUARINO, COUNCIL PRESIDENT

Adopted: June 11, 2019

I hereby certify funds are available from:

ACCOUNT NO. 03-2544-18-0400-040
PLEASANTDALE PARKING LOT

JOHN GROSS, CHIEF FINANCIAL OFFICER



FRANK H. LEHR ASSOCIATES

A NJ Corporation – Certificate of Authorization No 24GA27950400
CONSULTING CIVIL ENGINEERS

May 20, 2019

Township of West Orange
25 Lakeside Drive
West Orange, NJ 07052

Attn: Leonard Lepore, PE

RE: Proposal for Engineering Services
Municipal Parking Yard No 8
Improvements
West Orange, New Jersey

Dear Mr. Lepore:

In accordance with your request, we are pleased to submit this proposal for Site Engineering services for the referenced project.

We have inspected the site and understand that the Township wishes to reconstruct Municipal Parking Yard No 8 located at 492 to 496 Pleasant Valley Way, Block 154.06, Lots 16 and 17. Included as part of this work is the replacement of the existing soldier pile and lagging retaining wall, which is currently failing. Also anticipated are new curbs, sidewalks aprons, and pavement; fencing; a solar powered pay station and utility company lighting upgrades.

Specifically, we propose to accomplish the following Professional services.

Survey

To engage the services of a licensed Land Surveyor to:

1. Provide a boundary and topographic survey of the subject property, extending 20 feet beyond the property lines.
2. Provide topography at 1-foot contour interval including spot elevations.
3. Locate the rear retaining wall, including top and bottom of wall elevations and the locations of the steel soldier piles.

The topographic survey shall be sufficient in detail to develop contours at 1-foot intervals and will indicate existing forestry, drainage structures, utilities and other essential features within the survey area.

Topographic information will be geo-referenced to the Vertical Datum NAVD88. The horizontal datum will be the New Jersey State Plane Coordinate System NAD83. Datums will be established by differential GPS via the NGS COR System. One-foot contour intervals will be



generated. Ground elevations will be shown to the nearest 0.1 foot, pavement, etc. will be shown to the nearest 0.01 foot.

The survey work will be prepared under contract with Borbas Surveying and Mapping LLC in accordance with basic ALTA/ACSM accuracy standards will include setting of outbound corners and be prepared in the NAVD 88 vertical datum.

Additional land acquisitions, vacations, easements, and resolving title encumbrances will be performed on an hourly basis, upon written authorization. This proposal does not include construction phase surveying services.

Design Development

During the Design Development phase we propose to perform the following services:

1. To inspect the site more thoroughly in order to determine site features which would impact or constrain design.
2. To evaluate the existing soldier piles to determine if consideration should be given to their re-use with a concrete lagging system or to design a new rear yard retaining wall of modular block or reinforced concrete. Note that the new wall system will need to incorporate a vehicle barrier.
3. To examine parking lot layout and determine if there is a more efficient layout and design the lot based on that layout.
4. To design new curbs, pavement, concrete sidewalk and aprons, wheel stops, striping and stall numbers.
5. To design new fencing in rear and side yards where necessary.
6. To incorporate and specify a new central pay station, solar powered, with credit card and data transfer capability.
7. To design and coordinate lighting improvements which may be via overhead lines by PSE&G.
8. To prepare bidding documents including:
 - a) A cover sheet with a key map, project data, Owner's information
 - b) A construction/grading plan indicating horizontal and vertical geometrical control, surface drainage, new retaining wall, new curbing, existing and proposed contours, and pavement surfacing and striping information.
 - c) A detail sheet including details of the wall, curbs, pavements, sidewalks, handicap ramps, aprons, traffic control signs, the central pay station, etc.



9. To prepare a Soil Erosion/Sediment Control Plan and the SE/SC application package. We assume that this will be submitted to the Soil Conservation District by the successful Contractor.

Contract Phase

During the Contract phase we will make final revisions to the plans as requested by the client. We anticipate that this will be a unit price contract based on NJDOT specifications. We propose to specifically accomplish the following Engineering services.

1. To incorporate revisions required by the review/approval process.
2. To prepare the bid package, including, Invitation to Bidders, Instructions to Bidders, Bid Form, Agreement, General Conditions, and Supplemental Conditions. Municipal Standard forms will be used.
3. To prepare technical specifications for the site work for inclusion in the project manual.
4. To furnish up to twenty copies of the bid documents for bidding purposes.
5. To attend a Pre-Bid Meeting, if desired.
6. To issue Addenda as appropriate to clarify, correct or change the Bidding Documents.
7. To assist you in reviewing and evaluating bids and prepare a recommendation if desired.

Construction Support

During this phase of the project, we will provide the following services as they relate to the site design. During this phase we propose:

1. To make up to 4 visits to the site at intervals appropriate to the various stages of construction in order observe the quality and progress of the Contractor's work.
2. To prepare and issue drawings sketches or specifications to clarify changes in work due to changed job conditions.
3. To review site related shop drawings for conformance with the information given in the Contract Documents and compatibility with the project design concept.
4. To prepare a punch list for the site work including two inspections to verify completion of punch list items.



We anticipate duration of the site construction to be approximately 3 months.

Fees:

Our fees for the above design phase work will be as follows:

A. Survey	LUMP SUM	\$ 3,900.00
Set Corners as required, (6 corners @ \$150/ea)	LUMP SUM	900.00
B. Design Development	LUMP SUM	9,800.00
C. Contract Phase	LUMP SUM	4,200.00
D. Construction Support	LUMP SUM	3,200.00
E. Expenses (reproductions)	BUDGET	<u>1,500.00</u>
	ESTIMATED SUBTOTAL	<u>\$23,500.00</u>

Redesign work and any other additional services requested will be accomplished at the hourly rates shown on the attached Schedule of Fees for Professional Services.

All out of pocket expenses (e.g. overnight shipping charges, reproductions, ordinances, photographs, etc.) will be billed at cost plus 10 percent. All filing fees, application fees, permit fees, etc. are excluded from our fee and must be paid directly by others.

Invoices will be issued on a net receipt basis and payment of invoices must be made no later than 30 days after receipt of our invoice. We reserve the right to suspend or terminate work in an invoice is not paid after 60 days.

We will invoice you periodically during the course of the work based on percent complete.

We are excluding any work related to signalization, traffic studies, and off-site improvements. It may be necessary to retain a Traffic Consultant to address traffic issues.

NJDEP permitting is not anticipated or included in the quoted fee. Also excluded is preparation of Environmental Impact Assessments, traffic counts and studies, and landscaping design.

The following items are also specifically excluded:

- Construction layout surveying
- Earth retaining structures greater than 6-feet in height
- Closing/removal of Underground Storage Tanks, if any.
- Property acquisitions and/or acquisition surveys.
- Environmental investigations and evaluations (Phase I/II).



- Construction Inspection Services. It is our understanding that this work will be covered under a separate Contract.

Notifications of adjoining property owners is not included since this work is more easily accomplished by others.

Our office uses Autodesk Civil 3D (R2019/2020) as tool for production of project drawings. As such, computer files generated are considered works-in-progress, and may not contain all the information found on the final drawings.

In the event computer files are issued and a discrepancy is found between the computer file and the hard copy, the hard copy shall prevail. Drawings and computer files are to be considered instruments of service, and as such their use shall be restricted to this project.

This proposal is valid for 60 days from the issue date and assumes a total project duration less than 1 year. In the event that construction of the project is not substantially complete by June 1, 2020, the Professional fees for all basic services not yet performed will be adjusted to reflect all Cost of Living increases, reflected in the Consumer Price Index, New York/New Jersey Region Urban Consumers, since the date the respective proposal was authorized.

Frank H. Lehr Associates (FHLA) will not be responsible for the Contractor's means, methods, techniques, sequences or procedures, or the safety precautions and programs incident to the Contractor's work, sequences or procedures selected by the Contractor for safety precautions and programs incident to the Contractor's work and FHLA will not be responsible for the Contractor's failure to perform the work in accordance with the Contract Documents, or for the failure of the Contractor to comply with laws, rules, regulations, ordinances, codes, or orders applicable to the Contractor's performing and furnishing of Work.

FHLA will not be responsible for the act or omissions of the Contractor or any Subcontractors or any of his or their agents or employees or any other person at the site or otherwise performing any of this work.

Engineering and surveying services shall be performed within the limits of this proposal and subsequent amendments thereto, and in a manner consistent with the level of care and skill ordinarily exercised by comparable professional firms under similar circumstances at the time the services are performed. In the event of a dispute, this contract shall be governed by the laws of the State of New Jersey and any legal action shall be venued within the State of New Jersey.

Cost estimates will be prepared based on market costs at the time of the estimate and are subject to escalation due to market forces, inflation and geo-political events.

Not included in this proposal, is a geotechnical investigation. Frank H Lehr Associates would be pleased to provide proposals for these services if desired.

Our firm can be available during construction, if requested, for construction inspection including control of compacted fill, testing of concrete and asphalt, etc.



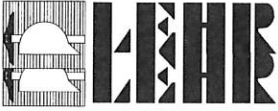
We appreciate the opportunity of submitting this proposal to you for your consideration and look forward to working with you again on this project.

Very truly yours,

Frank H. Lehr Associates
A New Jersey Corporation

Louis G. Adelsohn

Louis G. Adelsohn, PE
President



SCHEDULE OF FEES FOR PROFESSIONAL SERVICES

January 2019

PRINCIPAL	\$235.00	per hour
PROJECT MANAGER	205.00	per hour
PROJECT ENGINEER	160.00	per hour
SENIOR STAFF ENGINEER/SENIOR DESIGNER/GEOLOGIST	135.00	per hour
STAFF ENGINEER/STAFF DESIGNER	125.00	per hour
SENIOR TECHNICIAN/SENIOR INSPECTOR	105.00	per hour
TECHNICIAN/INSPECTOR	80.00	per hour
DRAFTER/CAD OPERATOR	85.00	per hour
SECRETARY	75.00	per hour

Time on the job during the regular work week in excess of 8 hours per day and all time on Saturdays, Sundays, and holidays will be invoiced at the hourly rate times a factor of 1.50.

Travel time between the job and the office during the course of the day will be invoiced at the above rates. Local mileage is included in overhead expense. Mileage outside of Essex, Union and Hudson Counties will be charged at \$0.60/mile.

All out-of-pocket expenses (e. g. travel; subsistence, if required; ordinance copies; telephone charges; overnight shipping charges; reproductions; photographs; filing fees, application fees, building permit fees, etc.) will be billed at cost plus a handling charge of 10 percent.

If subcontractors (i. e., soil boring drillers, surveyors, test pit excavators, etc.) are hired through this firm, there will be a handling charge of 10 percent of the invoiced amount.

The fees listed will be valid for 1 year from the starting date of the project. At the end of each work year, the fees may be increased by an amount not to exceed 5 percent per annum.

PAYMENT

Payment for Professional Services is due upon presentation of the invoice

RESOLUTION INTRODUCING THE 2019 LOCAL MUNICIPAL BUDGET

BE IT RESOLVED, by the Township Council of the Township of West Orange, on this 11th day of June 2019, that the 2019 Local Municipal Budget of the Township of West Orange be and is hereby introduced on first reading and the Township Clerk is directed to read the title thereof in full.

The public hearing for the budget will be **July 16, 2019** at 7 p.m. at the Town Hall, Council Chambers located at 66 Main St.

M1 _____ Council member offered the above resolution and moved its adoption.

M2 _____ Seconded by Council member and adopted by the following vote.

Council members:

Council President Guarino	_____
Councilwoman Casalino	_____
Councilman Krakoviak	_____
Councilwoman Matute-Brown	_____
Councilman McCartney	_____

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino, Council President

Adopted: June 11, 2019

RESOLUTION

WHEREAS, LOUIS BLACK and PAMELA LEWIS, are the owners of the single-family dwelling at 6 DOCKERY DRIVE (Block 154.17, Lot 138): and

WHEREAS, LOUIS BLACK, is an honorably discharged veteran who has been certified as one hundred (100%) totally disabled veteran entitled to exemption from real estate taxes pursuant to N.J.S. 54: 4-3.30 et seq; and

WHEREAS, LOUIS BLACK, has been granted total exemption from real estate taxes as of December 6, 2018; and

WHEREAS, the Tax Collector will refund any taxes paid from December 6, 2018; and

WHEREAS, the Tax Collector has advised that LOUIS BLACK and PAMELA LOUIS are due and owing a refund in the sum of \$6,849.57; and

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that LOUIS BLACK be granted exemption from real estate taxes, as a totally disabled veteran, as of December 6, 2018, pursuant to N.J.S. 54: 4-3.30 et seq.

BE IT FURTHER RESOLVED that the Tax Assessor and Tax Collector adjust their records to reflect the aforementioned grant of exemption.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: June 11, 2019

I hereby certify funds are available from: _____
Account No.

John O. Gross, Chief Financial Officer

RESOLUTION

WHEREAS, the following charitable organization(s) have applied for a Raffle License which raffle is to be conducted within the Township of West Orange,

NOW THEREFORE, BE IT RESOLVED by the Township Council of *the Township of West Orange, that the Municipal Clerk is hereby authorized to* issue a license to conduct a raffle by the following organization (s) at the place (s) and time(s) set opposite their respective name(s):

<u>Organization</u>	<u>Date of Event</u>	<u>Place</u>	<u>RL No.</u>
Pleasant Valley Productions On Prem 50/50	June 21, 2019	4 Boland Drive West Orange, NJ 07052	7609
Franciscan Charities Inc. Off Prem 50/50	October 7, 2019	Essex Fells Country Club 350 Mount Pleasant Avenue West Orange, NJ 07052	7610

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: May 29, 2019

RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES TO REFUND
PAYMENT TO THE LISTED TAXPAYER DUE TO AN
OVERPAYMENT OF SECOND QUARTER TAXES

WHEREAS, certain West Orange property owner has made an overpayment for the 2019 second quarter taxes;

WHEREAS, the Tax Collector of the Township of West Orange has indicated that such Taxpayers or their mortgage company are entitled to refunds to the extent of such overpayments;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that the Tax Collector and the Treasurer of the Township of West Orange be and they are hereby authorized, empowered and directed to cause to be paid to the taxpayers on the attached list sums in full and final satisfaction of the overpayment of the 2019 second quarter taxes

Block	Lot	Name & Address	Amount
154	11.01 C0097	Yoav Altman 43 Conforti Ave unit#97 West Orange, NJ 07052	\$164.67
TOTAL:			\$164.67

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: June 11, 2019

I hereby certify funds are available from: _____
Account No./Amount

John Gross
Township Chief Financial Officer

156-19
June 11, 2019

RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES
TO REFUND PAYMENT TO THE LISTED TAXPAYER DUE TO A
HOMESTEAD REBATE CREDIT

WHEREAS, the below mentioned property received a Homestead Rebate Credit,
the property is a VA exemption and the owner is entitled to the rebate.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of
West Orange that the Tax Collector and Treasurer of West Orange be and they are hereby
authorized, empowered and directed to cause to be paid to the below mentioned taxpayer
the sums indicated in full and final satisfaction

<u>Block</u>	<u>Lot</u>	<u>Name and Address</u>	<u>Amount</u>
168	15.01	John Granz Jr. & Lucia Granz 325 St Cloud Avenue	\$410.66
TOTAL:			\$410.66

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: June 11, 2019

I hereby certify funds are available from: _____
Account No./Amount

John Gross
Township Chief Financial Officer

RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES TO REBATE PAYMENT
TO THE LISTED TAXPAYER PURSUANT TO FINAL JUDGMENT BY
THE TAX COURT OF NEW JERSEY

WHEREAS, final judgment on tax appeals has been rendered by the Tax Court of New Jersey on the petitions of the taxpayers listed on the attached schedule reducing the assessment for the years stated;

WHEREAS, such judgment by merit of N.J.S.A. 54:3-27.2 shall be conclusive and binding upon the municipal assessor and taxing district;

NOW, THEREFORE BE IT RESOLVED by the West Orange Township Council that the Collector of Taxes and Treasurer of West Orange, be and they are hereby authorized, empowered and directed to cause to be paid or applied to the said taxpayers the sums in full and final satisfaction to tax rebates due:

LIST ATTACHED

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: June 11, 2019

I hereby certify funds are available from: _____
Account No./Amount

John Gross
Township Chief Financial Officer

2019
TAX COURT JUDGMENT 157-19

TAX YEAR	DATE	BLOCK	LOT	QUAL	OLD VALUE	NEW VALUE	DIFFERENCE	TX RATE	REFUND AMOUNT
2018	2/14/2019	114.01	14		300600	272000	28600	0.04038	\$1,154.87
2017	5/8/2019	153.14	33.01		452600	400000	52600	0.03986	\$2,096.64
2018	5/8/2019	153.14	33.1		452600	400000	52600	0.04038	\$2,123.99
2017	5/22/2019	116.01	96		643500	620000	23500	0.03986	\$936.71
2018	5/22/2019	116.01	96		643500	620000	23500	0.04038	\$948.93
								TOTAL	\$7,261.13

RESOLUTION AUTHORIZING THE TOWNSHIP OF
WEST ORANGE TAX COLLECTOR TO PREPARE AND
MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72

WHEREAS, the Essex County Board of Taxation has not certified the General Tax Rate throughout Essex County for 2019 and the West Orange Township Tax Collector will be unable to mail the Township's 2019 tax bills on a timely basis;

WHEREAS, the Township of West Orange Tax Collector in consultation with the West Orange Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Township Council approves the estimated tax levy to enable the Township to meet its financial obligations, maintain the tax collection rate, and provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing.

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY on this 11th day of June 2019, as follows:

1. The Township of West Orange Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2019 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54.4-66.3)
2. The entire estimated tax levy for the 2019 is hereby set at \$233,640,390.02, with the estimated tax rate of 4.175.
3. In accordance with law the third installment of 2019 taxes shall not be subject to interest until the later of August 12 or twenty fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

IN WITNESS WHERE I have hereunto set my hand and affixed the seal of said Township the 11th day of June 2019

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: June 11, 2019

CALCULATION OF 2019 ESTIMATED TAX RATE

Township Of West Orange

Adopted 2019 School Budget

Estimated 2019 Municipal Budget

Estimated 2019 Essex County Budget

2018 Tax Levy & Rate

	Levy	Tax Rate
LOCAL & LIBRARY	56,100,488.47	1.003
OPEN SPACE	145,460.49	0.003
SCHOOL	138,493,957.00	2.476
COUNTY	30,158,467.05	0.539
COUNTY OPEN SPACE	941,802.68	0.017
TOTAL	225,840,175.69	4.038
2018 Ratable Total	5,593,516,832.00	

Amount to be Raised by Taxation-2019

	Levy	Levy % Change	Tax Rate
LOCAL & LIBRARY	60,871,569.71	8.5%	1.088
OPEN SPACE	279,841.45	92.4%	0.005
SCHOOL	140,785,539.78	1.7%	2.515
COUNTY	30,761,636.39	2.0%	0.550
COUNTY OPEN SPACE	941,802.68	0.0%	0.017
TOTAL	233,640,390.02	3.5%	4.175
2019 Ratable Total	5,596,829,095.00		

Certified By:

John O. Gross
Chief Financial Officer

Joanne Gagliardo
Tax Collector

RESOLUTION

WHEREAS, the Township Council by Resolution No. 175-18 dated July 17, 2018 awarded the contract "Proposed Improvements at the Ginny Duenkel Pool" in the amount of \$479,000.00 to Drill Construction Co., Inc., 80 Main Street, Suite 570, West Orange, New Jersey 07052; and

WHEREAS, by Resolution No. 111-19 dated April 9, 2019 the Township Council approved Change Order No. 3 in the amount of \$49,413.00 to expand the Senior Citizens section of the facility thus bring the total authorized contract amount to \$528,413.00; and

WHEREAS, the final contract amount reflecting as-built quantities for the entire project which includes an additional cost for the construction of the parking lot retaining wall, a credit for eliminating a sanitary sewer lateral connection and a credit for sod not placed is \$534,294.00 or an increase of \$5,881.00; and

WHEREAS, the additions and credits for the as-built quantities are itemized on the attached Change Order No. 4 and Final; and

WHEREAS, the Municipal Engineer by letter dated June 5, 2019 finds Change Order No. 4 and Final as necessary and beneficial and recommends approval of the same; and

WHEREAS, sufficient funds exist for Change Order No. 4 and Final; and

WHEREAS, the Township Council concurs in the forgoing.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Orange that Change Order No. 4 and Final for the contract Proposed Improvements at the Ginny Duenkel Pool with Drill Construction Co., Inc., 80 Main Street, Suite 270, West Orange, New Jersey 07052 in the amount of \$5,881.00 which with Change Order No. 3 represents an 11.54 percent increase in the original contract is hereby approved bringing the total authorized contract amount to \$534,294.00.

KAREN CARNEVALE, R.M.C., MUNICIPAL CLERK

JERRY GUARINO, COUNCIL PRESIDENT

Adopted: June 11, 2019

I hereby certify funds are available from:

ACCOUNT NO. 72-2010-00-6900-072
OPEN SPACE TRUST FUND

JOHN GROSS, CHIEF FINANCIAL OFFICER

CHANGE ORDER NO. 4 AND FINAL

PROPOSED IMPROVEMENTS AT GINNY DUENKEL POOL

Between the Township of West Orange, owner, and Drill Construction Co., Inc., contractor
to reflect As-Built quantities.

1.	Parking Lot Retaining Wall	\$13,125.00
2.	Elimination of Sanitary Sewer Connection	(\$ 7,188.00)
3.	Expansion of Senior Citizen Sitting Area (Change Order No. 3)	\$49,413.00
4.	Sod not Placed	(\$56.00)

NET CHANGE	\$55,294.00
-------------------	--------------------

ORIGINAL CONTRACT AMOUNT	\$479,000.00
AUTHORIZED CONTRACT AMOUNT	\$528,413.00
FINAL CONTRACT AMOUNT	\$534,294.00
TOTAL INCREASE PERCENT	11.54

TOTAL INCREASE THIS CHANGE ORDER	\$ 5,881.00
---	--------------------

CONTRACTOR

DATE

ENGINEER/ARCHITECT

DATE

OWNER

DATE

Approved by Resolution No. 159-19

Dated: June 11, 2019

RESOLUTION TO HOLD A CLOSED SESSION

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4. et seq.) provides for the exclusion of the public meetings of the governing body during the discussion of certain matters; and

WHEREAS, prior to the exclusion of the public from a meeting of the Township Council it is required that the Council adopt a Resolution stating the general nature of the subject to be discussed and stating as precisely as possible the time when the minutes of the discussion conducted in closed session can be disclosed to the public; and

WHEREAS, this body is about to consider a matter which falls within the purview of N.J.S.A. 10-4-12, and can properly exclude the public from such discussions; now, therefore, be it

BE IT RESOLVED, that the Township Council of the Township of West Orange, now assembled in public session at its regular meeting of June 12, 2019 enter into a closed session to consider the following matter(s).

- () 1. Discussion of any material, the disclosure of which constitutes an invasion of individual privacy.
- () 2. A collective bargaining agreement or the terms of provisions of same.
- () 3. Techniques or tactic utilized to protect the safety and property of the public provided that their disclosure could impair such protection.
- () 4. An investigation of violations or possible violations of the laws of the State of New Jersey and/or the Township of West Orange Administrative Code.
- (X) 5. Pending or anticipated litigation or contract negotiations in which this body is or maybe a party.
- () 6. A matter falling within the attorney-client privilege to the extent that confidentiality is required in order for the attorney to exercise his ethical duties to this body.
- () 7. Personnel matters.
- () 8. Discussion of any matter which by express provision of Federal law or State statute or rule of Court shall be rendered confidential.
- () 9. Discussion of any matter in which the release of information would impair a right to receive funds from the Government of the United Sates.
- () 10. Discussion of any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- () 11. Deliberations occurring after a public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

More specifically, the Council may discuss in closed session the following topic(s):

Police contract negotiations including viability of changing health insurance coverage.

(the general subject matter(s)) of discussion shall be indicated by a check mark in the appropriate box and shall be more specifically referred to thereafter to the extent such additional disclosure can be made without compromising the need for confidentiality giving rise to the closed session.

IT IS FURTHER RESOLVED that the minutes of said discussion shall be made public as soon as the matter under discussion is no longer of a confidential or sensitive nature such that the public interest will no longer be served by such confidentiality.

The foregoing resolution was duly adopted by the Township Council of the Township of West Orange at a public meeting held on **June 12, 2019.**

Motion: Cindy Matute-Brown

Second: Michelle Casalino

Vote

Aye: 5

Opposed: 0

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: June 12, 2019

**ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, IN
THE COUNTY OF ESSEX, NEW JERSEY, ADOPTING A
REDEVELOPMENT PLAN FOR BLOCK 155, LOTS 40.02,
40.03, 41.02, 42.02 AND BLOCK 155.21, LOT 40 PURSUANT
TO THE LOCAL REDEVELOPMENT AND HOUSING
LAW, N.J.S.A. 40A:12A-1, *et seq.* (ESSEX GREEN –
EXECUTIVE DRIVE REDEVELOPMENT AREA)**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land located in the municipality constitute areas in need of redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, on January 9, 2018, the Municipal Council of the Township of West Orange (the “**Township Council**”) adopted Resolution 17-18 designating certain property identified as Block 155, Lots 40.02 (100 Executive Drive), 40.03 (Rooney Circle), 41.02 (10 Rooney Circle), 42.02 (200 Executive Drive), and Block 155.21, Lot 40 (Prospect Avenue) (collectively, the “**Redevelopment Area**”) on the tax map of the Township, as a non-condemnation area in need of redevelopment, which designation would authorize the Township Council to use all those powers permitted by the Redevelopment Law for use in a redevelopment area except the power of eminent domain; and

WHEREAS, the Redevelopment Law empowers the Township to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within the Redevelopment Area; and

WHEREAS, in accordance with the Redevelopment Law, a redevelopment plan has been prepared by Heyer, Gruel & Associates for the Redevelopment Area entitled the “Essex Green-Executive Drive Redevelopment Plan” dated May 1, 2019 (the “**Redevelopment Plan**”), attached hereto as Exhibit A; and

WHEREAS, the Township of West Orange Planning Board (the “**Planning Board**”) reviewed the proposed Redevelopment Plan at its duly noticed and constituted public meeting on May 1, 2019; and

WHEREAS, following such review the Planning Board rendered its report and recommendations to the Township Council and recommended the adoption of the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Township Council hereby finds it appropriate for the Redevelopment Plan to be adopted for the Redevelopment Area, the Redevelopment Plan being, among other things, substantially consistent with the Master Plan for the Township; and

WHEREAS, the Township Council now desires to adopt the Redevelopment Plan and to direct that the applicable provisions of the Township’s Zoning Ordinance and Map be amended

and supplemented to reflect the provisions of the Redevelopment Plan, as and to the extent set forth therein,

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of West Orange as follows:

1. **Generally.** The aforementioned recitals are incorporated herein as though fully set forth at length.

2. **Adoption.** The Redevelopment Plan, as filed in the Office of the Township Clerk and attached hereto as Exhibit A, is hereby approved and adopted.

3. **Amendment of Zoning Ordinance and Map.** The sections of the Township's Zoning Ordinance and Map are hereby amended and supplemented to incorporate and reflect the Redevelopment Plan.

4. **Severability.** If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

5. **Public Review.** A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. **Effective Date.** This Ordinance shall take effect as provided by law.

Karen J. Carnevale, R.M.C., Municipal Clerk

Robert D. Parisi, Mayor

Jerry Guarino, Council President

Introduced: May 29, 2019

Adopted: June 11, 2019

EXHIBIT A
Redevelopment Plan

TOWNSHIP OF WEST ORANGE



ESSEX GREEN-EXECUTIVE DRIVE REDEVELOPMENT PLAN

MAY 1, 2019



Prepared By:

Heyer, Gruel & Associates

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Heyer, Gruel & Associates
Community Planning Consultants
236 Broad Street
Red Bank, NJ 07701
732-741-2900

The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12.

Susan S. Gruel, P.P. #1955

John Barree, AICP, P.P. #6270, LEED Green Associate

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INTRODUCTION AND PROCESS

The Essex Green-Executive Drive Redevelopment Area consists of five parcels totaling approximately 62 acres in area including Block 155, Lots 40.02, 40.03, 41.02, 42.02, and Block 155.21, Lot 40 (the "Area"). Three of these parcels Block 155 Lots 40.02, 41.02, and 42.02 are developed with office buildings built between 1971 and 1984. Collectively these properties are known as the Executive Drive Area.

The Essex Green portion of the redevelopment area consists of two parcels located southeast of the Executive Drive Area: Block 155, Lot 40.03, a vacant lot, and Block 155.21, Lot 40, which houses the Essex Green Shopping Center. The shopping center was built in 1957 and was renovated in 1991. Currently, an application is pending before the Township's Zoning Board to renovate portions of the shopping center and construct some new pad site buildings on the property.

On September 19, 2017, the Township Council adopted resolutions 212-17 and 213-17 to direct the West Orange Township Planning Board to investigate these properties to determine if the area qualifies as a non-condemnation area in need of redevelopment per the statutory criteria of the Local Redevelopment and Housing Law (LRHL) *N.J.S.A. 40A:12A, et seq.*

The Township's planner, Paul Grygiel, PP, AICP, of the firm Phillips Preiss, prepared a preliminary investigation report entitled, "Essex Green and Executive Drive Area in Need of Redevelopment Study", dated October 2017 (the "Study"). The Township Planning Board held public hearings on the Study on November 1, 2017, and December 6, 2017. On January 4, 2018, the Planning Board adopted Resolution 18-01, which recommended that the properties be designated as a non-condemnation area in need of redevelopment. The Township Council took action at its January 9, 2018 meeting, designating the Area as in need of redevelopment through resolution 17-18.

Heyer, Gruel and Associates was retained by the Township Council on June 12, 2018 to work with the Township Planning Board to prepare a Redevelopment Plan for the Area.

In September 2018, the Township Council adopted the "300 Executive Drive Redevelopment Plan", which proposed standards for the modernization of the office building on Block 155, Lot 42.01. This Plan is the next step in the process of comprehensively redeveloping the Area.

The Plan contains the elements required by the LRHL, sets forth goals and objectives for the area, and provides use and design standards to govern the redevelopment of the Area in a manner consistent with the Township's goals and objectives.



STATUTORY REQUIREMENTS

The Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.), requires that a redevelopment plan include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements in the project area;
3. Adequate provision for the temporary and permanent relocation as necessary of residents in the project area including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market;
4. An identification of any property within the redevelopment area proposed to be acquired in accordance with the redevelopment plan;
5. Any significant relationship of the redevelopment plan to:
 - a. The Master Plans of contiguous municipalities;
 - b. The Master Plan of the County in which the municipality is located; and
 - c. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" P.L. 1985, C398 (C52:18A-196 et al.).
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L. 1985 c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.

This redevelopment plan includes each of these required sections, as applicable, serving as a guide for the redevelopment of the Essex Green-Executive Drive Redevelopment Area in the Township of West Orange.

EXISTING CONDITIONS

Location and Description

The Area consists of five tax parcels in West Orange Township: Block 155, Lot 40.02; Block 155, Lot 40.03; Block 155, 41.02; Block 155, 42.02; and Block 155.21, Lot 40. Current property records indicate that Block 155 Lots 40.02, 41.02, and 42.02 are owned by West Orange Executive Park, and Block 155, Lot 40.03 and Block 155.21, Lot 40 are owned by CLFP Essex Green LLC. The parcels total approximately 62 acres in land area.

The Area is bound by I-280 to the north; Prospect Avenue and Block 155, 40.01 to the east; Block 155 Lots 26.01 and 26.02 to the south; and Block 155 lot 42.01 (300 Executive Drive) to the west. The I-280 and Prospect Avenue interchange provides regional highway access near the Area.

Like much of West Orange Township, the Area is encumbered by steep slopes. 100 and 200 Executive Drive are positioned midway up the hills that define the topography of the Area. Essex Green and Rooney Circle are located at higher ground near Prospect Avenue.

Regional Context

The Township is in central Essex County and is bisected by the Interstate 280 corridor, which runs east to west. The Garden State Parkway is several miles to the east and is the major north-south highway in the region.

The Township is bordered by several municipalities. Livingston, Roseland, and Essex Fells are located to the west, Verona and Montclair are located to the north, the City of Orange is located to the east, and Millburn, Maplewood, and South Orange are located to the South.

The Township is developed with a mix of uses. Residential neighborhoods exist in a mix of densities with single-family homes, townhouse developments, condominium developments, and multi-family developments located in the Township.

Commercial development in the Township includes highway-oriented shopping centers, campus style office parks, and Main Street and neighborhood business districts. Public land and sensitive environmental features, particularly areas with steep slopes are also important to land use patterns in the Township. Turtleback Zoo, the Orange Reservoir, and Eagle Rock Reservation are some of the most prominent open space and recreation areas in the Township.

Existing Land Use

The Area is currently developed with office buildings, a shopping center, and surface parking lots. 100 and 200 Executive Drive (Block 155, Lots 40.02 and 42.02), and 10 Rooney Circle (Block 155, Lot 41.02), are occupied by Class C office buildings built between 1971 and 1984.

Block 155, Lot 40.03 is a vacant lot fronting on Rooney Circle. This lot features a narrow strip that runs along the length of Rooney Circle to Prospect Avenue.

Essex Green is a shopping center with an AMC Movie Theater, Shop Rite, Sears Outlet, and Panera, among other retail and restaurant establishments. An application is pending before the Township Zoning Board of Adjustment to permit modifications to the shopping center and the construction of a new drive-through use.

Block 155, Lot 26.02, located south of Essex Green is developed with an LA Fitness gym. A Courtyard by Marriot Hotel is located to the north of Essex Green at the intersection of Rooney Circle and Prospect Avenue. Block 115 Lot 140.04, located between Essex Green and the office building at 10 Rooney Circle, was approved for another hotel by the Zoning Board of Adjustment in 2011 and construction is nearly complete on that project.

Directly south of 100 and 200 Executive Drive are PSE&G transmission lines. A neighborhood of single-family residences

and the Essex Green Villa Condominium development are located south of the PSE&G transmission corridor.

The Villas at Eagle Ridge Townhome development is located across Prospect Avenue to the east.

Existing Zoning

The Area is located in two zoning districts. The properties that comprise the Executive Drive portion of the area (Block 155, Lots 40.02, 41.02, and 42.02) are in the OB-1 Office Buildings Zone, and the properties that are part of the Essex Green portion of the area (Block 155, Lot 40.03, and Block 155.21, Lot 40) are in the P-C Planned Commercial District.

OB-1 Office Building District

The following are the standards for the OB-1 District:

Permitted Principal Uses

- One-Family, Detached Dwelling
- Water Reservoir, Well Tower, Filter Bed
- Federal, State, County or Township Building
- Golf Course or Golf Course House
- Farm, Nursery, Greenhouse and Similar Uses
- Hospital
- Office Buildings

Permitted Accessory Uses

- Required Accessory Parking

- Signs

Permitted Conditional Uses

- Commercial Recreation
- Public School
- Private School
- Library
- Museum
- Park or Playground
- Public Utility Building or Structure
- Telephone Exchange
- Private Club, Other than a Golf Club
- House of Worship
- Nursing Home
- Long-term Care Residential Health Care Facility
- Congregate Care Facility
- Assisted Living
- Commercial Antenna
- Check Cashing Facility

OB-1 District Bulk Requirements

Bulk Standard	Requirement
Minimum lot area	10,000 SF
Minimum lot area / unit	6,000 SF
Minimum lot width	60 feet
Minimum front yard	30 feet
Minimum side yards	10 feet + 8 feet
Minimum rear yard	30 feet
Maximum building coverage	40%
Maximum lot coverage	50%

Additional Standards

- Retail sales or service permitted as an accessory use in the OB-1 District shall be an integral part of the permitted building, shall be limited to sales or services designed for the convenience of the employees, visitors and tenants of the permitted building and no goods, advertisements or other evidence of such sales or services shall be visible

from the street. Such use shall not consist of more than 15 percent of the total first floor area in the OB-1 District and shall be designated on the preliminary site plan.

- In the OB-1 District, one square foot of open space shall be provided for each square foot of building area except that no more than 40 percent of the lot in the OB-1 District may be covered by buildings or structures. Off-street parking areas are not permitted within open space areas, except for "overflow" parking spaces that are specifically approved by the Planning or Zoning Board and are constructed in a manner acceptable to the Township Engineer. Furthermore, no accessory structure of off-site parking area shall be located within the required front yard no closer than 25 feet to the side or rear property lines in the OB-1 District.

P-C Planned Commercial

The following are the standards for the P-C District:

Permitted Principal Uses

- Retail Store
- Personal service store or studio
- Restaurant
- Bar
- Motor vehicle fueling station
- Post Office

- Civic center, limited to assembly hall and non-commercial indoor recreation facilities
- Theater on lots of 8-acre minimum

Permitted Accessory Uses

- Required Accessory Parking
- Required Accessory truck loading spaces
- Private garage
- Signs

Permitted Conditional uses

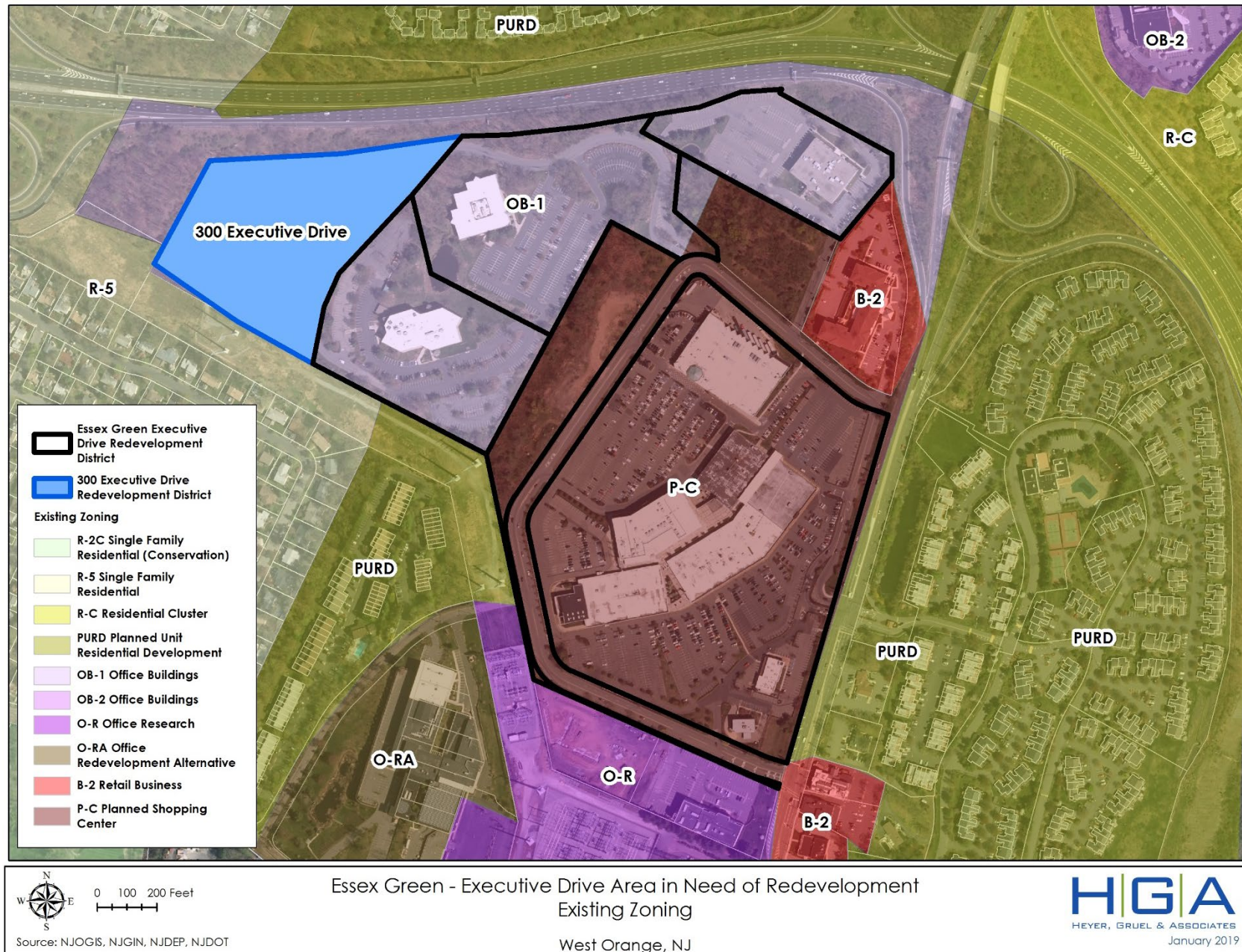
- Video or amusement arcade
- Commercial Antenna

Bulk Requirements

Bulk Standard	Requirement
Minimum lot area	8 Acres
Minimum lot area/unit	n/a
Minimum lot width	None
Minimum front yard	300 feet
Minimum side yard (corner)	100 feet
Minimum side yards	75 feet + 75 feet 100 feet adjacent to residence
Minimum rear yard	75 feet 100 feet adjacent to residence
Maximum building coverage	20%
Maximum lot coverage	75%
Minimum Space Between Buildings	150 feet
Maximum building height	2.5 stories/35 feet

Additional Standards

- Mixed Uses and multiple principal uses on one lot shall be permitted in the P-C District.
- In a P-C District, every building or group of buildings shall make adequate provisions for the proper disposal of wastes within a screened enclosure.
- Indoor Storage and Loading. In a P-C district, no visible display of waste, trash, scrap or material of any kind shall be permitted except that items offered for sale may be displayed in accordance with an overall plan to be included as part of the preliminary site plan, and in such districts, provisions shall be made for properly enclosed truck loading areas and bays located entirely within the structure.
- Shopping Centers. There shall be only one grouping of free-standing signs identifying various businesses within the center. Individual standing signs are prohibited.



REDEVELOPMENT CONTEXT*SUBURBAN OFFICE MARKET*

For several decades, New Jersey's economy and employment base grew substantially through the construction of suburban office parks. The majority of these facilities, built during the 1980s and 1990s predate modern technological and infrastructure needs. Facilities of this vintage are often physically outdated and located in suburban communities near highway interchanges or along highway corridors.

The most recent Rutgers Regional Report, dated October 2017, written by James Hughes and Will Irving, outlines ongoing trends in the New Jersey economy. The report discusses the change over the last 10 to 15 years of increased development in the metropolitan cores and contraction in suburban areas. Demographic changes, consumer preferences, and the nature of many industries has changed and reduced the demand for suburban office corridors and their aging infrastructure. In order to stay competitive, office buildings that were built for a singular narrow focus need to become more flexible and attractive to the modern economy and its new generation of employees.¹

The existing office buildings located at 100 and 200 Executive Drive and 10 Rooney Circle were all built between 1971 and

1978, and are rated as Class C Office space, which is not well positioned to compete in the oversaturated office market described in the Rutgers report.

Office Building Class Definitions: Office space is grouped into three classes ranked A through C. The rating system looks at factors including rent, building finishes, system standards and efficiency, building amenities, location/accessibility, and market perception. The scale is a subjective system that is meant to rate the competitiveness and desirability of the space in question.

- Class A buildings have the highest rents, are geographically accessible, and have state of the art systems, modern amenities, and high-quality finishes. These are new or recently upgraded facilities.
- Class B buildings are generally fair to good for the area and have adequate building systems. The rents for these buildings are generally in the average range.
- Class C buildings are identified as merely functional space that can secure below average rents in the area.

(Source: BOMA International
www.boma.org/research/pages/building-class-definitions.aspx)

¹ "Rutgers Regional Report – Issue Paper No. 38 "New Jersey's Economic Roller Coaster" p.20-25
<https://rucore.libraries.rutgers.edu/rutgers-lib/54266/PDF/1/play/>

SHOPPING CENTER LAYOUT

In addition to the outdated office uses, the Essex Green shopping center was built in 1957 and was last renovated in 1991. As outlined in the Study, many of the retail units are outdated by today's retail standards, with particularly long and awkward layouts with two main entrances located at both ends of the units. The shopping center was also designed with a large, centrally located courtyard which is rarely utilized by pedestrians and store patrons. Many of the vacant units have outdated mechanical equipment and HVAC systems that are in need of replacement and renovation.

Moreover, the shopping center's loading system consists of one loading dock that connects to a network of tunnels in which the goods are unloaded and then distributed throughout the shopping center. Even though each retail unit has a basement to receive deliveries, most of the tenants do not use the central loading dock and instead take in deliveries in the front of the building where it is more convenient for trucks. However, the shopping center was not designed for tenants to take deliveries in the front of the units, creating potential conflicts between delivery trucks and pedestrians and passenger vehicles.

This current layout and delivery setup may be undesirable for potential tenants. While the shopping center does host some major tenants including Shop Rite, Sears Outlet, Total Wine and More, AMC Theatres, and Panera, the presence of vacant units,

poor site layout, and antiquated building facilities present long-term barriers to the economic success of the Essex Green shopping center.

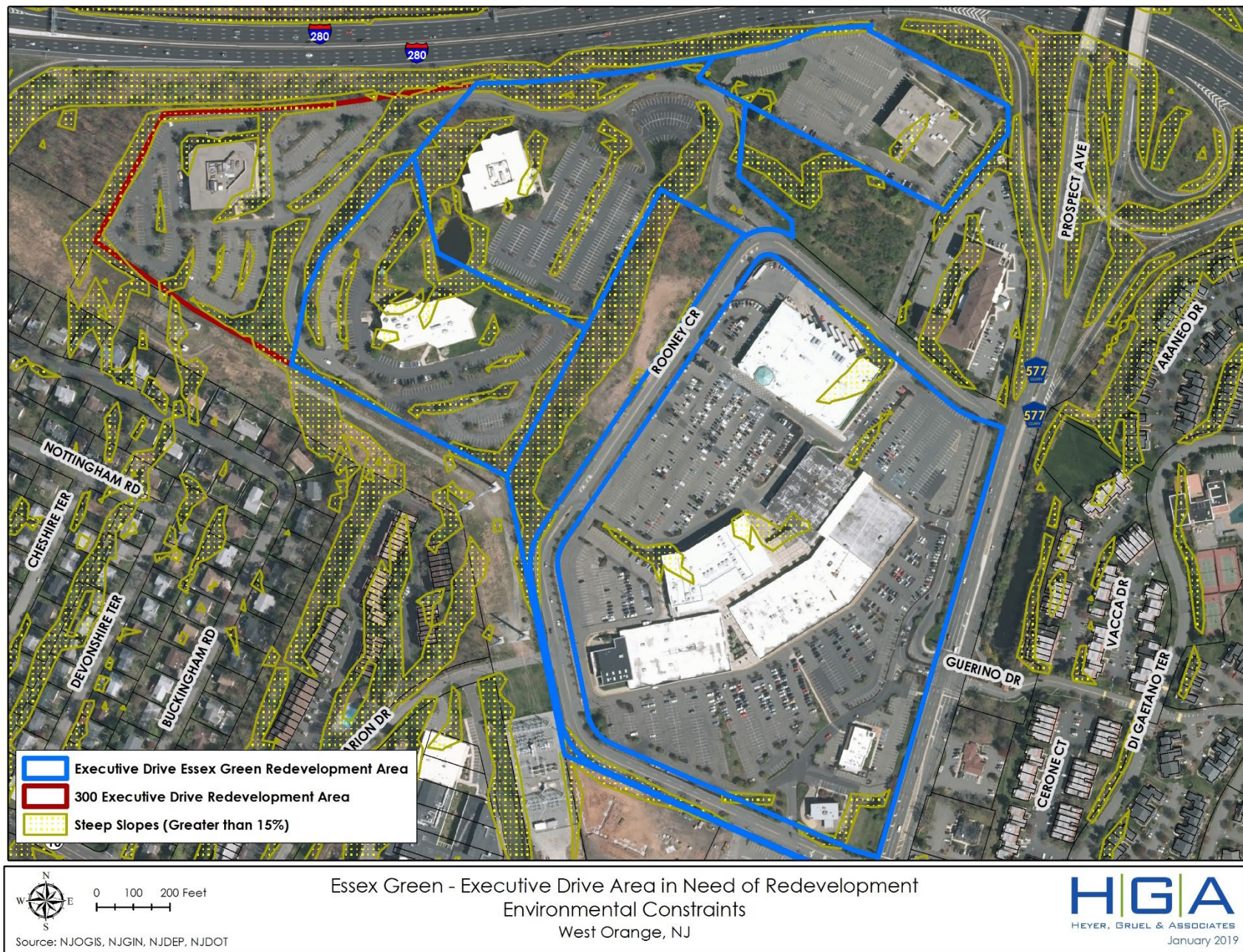


Essex Green Shopping Center June 29, 2018

STEEP SLOPES

The principal environmental constraint to development in the Area is the presence of steep slopes. With the exception of Block 155 Lot 40.03, the other sites have been previously developed and portions of those properties have been re-graded. The Township Land Use Regulations are explicit about seeking to minimize disturbance within steeply sloped areas. A goal of any redevelopment project undertaken as part of this Plan is to focus development within areas that have been previously disturbed and to avoid additional disturbance within the most steeply sloped portions of the Area. Protection of these sensitive environmental areas is an objective of the Township's planning documents that this Plan seeks to reinforce.

The figure on the following page shows areas that have slopes that have been calculated to be in excess of 15%. Future applications for site plan approval will be required to quantify the steeply sloped areas on site, indicate if disturbance is proposed, and attempt to limit and mitigate the impacts of any disturbance that is deemed necessary.



PLAN PRINCIPLES, GOALS, AND OBJECTIVES*PRINCIPLES*

The Township seeks to utilize the tools offered through the LRHL to enter into a partnership with one or more designated redevelopers in order to successfully reimagine the Area as a mixed-use hub of activity that brings together residences, jobs, shopping, activities, and municipal services in an integrated setting.

GOALS

The overall goal of the Plan is to develop each of the component districts with a complementary blend of uses in a well-integrated manner.

The existing office buildings at 100 and 200 Executive Drive are anticipated to be redeveloped into a multifamily residential development, with a percentage of units set aside to meet a portion of the Township's affordable housing obligation. As part of the redevelopment of the Executive Drive portion of the Area, it is anticipated that a dog park will be constructed for public use.

The office building at 10 Rooney Circle is intended to remain in its current form, with modifications and upgrades as necessary, with the long-term goal of blending office space with a mix of municipal services within the building and on the site.

The Essex Green shopping center is in the process of being updated and modernized. The Plan encourages improvements to the shopping center and welcomes a mix of new tenants that will maximize the property's potential as a regional destination.

Finally, the Plan proposes developing Block 155, Lot 40.03 (currently vacant) into a mixed-use commercial and residential building that will be able to take advantage of the density of commercial uses, municipal services, and amenities in the Area.

OBJECTIVES

- Promote a mix of housing options accessible to households of all income levels through the construction of new multifamily units.
- Improve the viability and utilization of the land with a mix of multifamily housing, office, commercial, and municipal uses while also taking into account the environmental constraints of the site.
- Enhance Township services by providing new facilities into which departments may relocate or expand.
- Provide a public amenity in the form of a public dog park.
- Preserve and renovate existing retail and restaurant uses and encourage an influx of new tenants at the Essex Green Shopping Center to provide services, activities, and shopping to surrounding residential and office users.

- Provide internal pedestrian paths and sidewalks as a recreational amenity and a practical link between the office, residential, and retail components envisioned for the Area.
- Promote pedestrian safety through the application of complete streets principles and well-designed crossings and sidewalks.
- Encourage links to transit by capitalizing on the existing bus service and providing a flexible shuttle service.
- Reduce impervious coverage to allow for a reduction of stormwater runoff and increased groundwater recharge.
- Encourage sustainable development practices through incorporation of green infrastructure and other stormwater management BMPs.
- Promote sustainable and efficient energy usage through green building techniques.
- Focus on the protection and preservation of sensitive steep slopes and existing wooded areas to maximize the natural beauty of the site and prevent environmental degradation.

RELATIONSHIP OF THE PLAN TO TOWNSHIP LAND DEVELOPMENT REGULATIONS

This Plan shall constitute an overlay zoning district for the Area. At the time of development application, the developer may opt to utilize either the standards contained in this plan or the standards of the applicable underlying zoning district.

When utilizing the standards in this redevelopment plan, Township regulations affecting development that are in conflict are superseded by this Plan. Existing engineering standards, performance standards, and definitions shall apply. At the time of site plan application, Environmental Impact, Community Impact, and Traffic Impact Statements shall be required.

No deviations from the overlay standards may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Plan that results in a "d" variance pursuant to N.J.S.A. 40:55D-70d shall be addressed as an amendment to the Plan rather than via variance relief through the Township's Zoning Board of Adjustment.

Any deviations from bulk and other specific standards shall require "c" variance relief. The Planning Board shall have the power to grant relief to the same extent as the Board may grant relief from bulk and dimensional requirements pursuant to N.J.S.A. 40:55D-70.c.

An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirement set forth in N.J.S.A. 40:55D-12a.&b.

The Planning Board may grant exceptions or waivers from design standards for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within the Plan. The Board may grant exceptions or waivers if it is determined that the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan and Master Plan.

All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified in the Township Ordinance and by N.J.S.A. 40:55D, et seq.

Final adoption of this Redevelopment Plan by the Township Council shall be considered an amendment to the Township Zoning Ordinance and Official Zoning Map.

LAND USE PLAN

The Plan proposes the following land use districts:

- Executive Drive Multifamily Residential
- Rooney Circle Mixed-Use
- 10 Rooney Circle Office / Municipal Use
- Essex Green Shopping Center

Each of the land use districts and their standards are described in detail in the following pages.

Standards Applicable to All Districts*Affordable Housing*

To further the Township's Master Plan goals, and to comply with the spirit of the Fair Housing Act and ongoing affordable housing settlement negotiations, all residential developments within the Redevelopment Area shall provide a set-aside of affordable housing units in accordance with the following standards and the administrative requirements outlined on page 40 of the Plan.

- 15% of rental units shall be affordable family rentals, with a bedroom mix and affordability mix consistent with those mandated by the Uniform Housing Affordability Controls (UHAC).
- 20% of for-sale units shall be affordable with a bedroom mix and affordability mix consistent with UHAC.

Minimum Parking Requirements

- Residential – All residential parking shall be provided in accordance with the Residential Site Improvement Standards (RSIS N.J.A.C. 5:21):

Townhouse	1 BR – 1.8 / dwelling unit (DU) 2 BR – 2.3 / DU 3 BR – 2.4 / DU
Low-Rise / Mid-Rise	1 BR – 1.8 / DU 2 BR – 2.0 / DU 3 BR – 2.1 / DU

- Non-Residential – Parking for non-residential uses shall be provided based on Parking Schedule II in Section 25-12.2.b of the Township Ordinance, unless otherwise indicated in this Plan.
- ADA accessible parking including van accessible spaces shall be provided in compliance with ADA standards.
- Shared parking arrangements between uses on properties within 250 feet of each other may be permitted, subject to the approval of the Township and the Planning Board.

Residential Unit Mix

- Studios, One-Bedroom, Two-Bedroom, and Three-Bedroom units shall be permitted. No unit shall have more than three bedrooms.

- The number of market rate three-bedroom units in any residential development shall not exceed 20% of the total number of market rate units in the development.

Minimum Residential Floor Area

- Studio / Efficiency – 500 square feet
- One Bedroom – 650 square feet
- Two Bedroom – 900 square feet
- Three Bedroom – 1,000 square feet



Executive Drive Multi-Family Residential District*Purpose:*

The purpose of the Executive Drive Multi-Family Residential District is to permit the redevelopment of the existing office buildings at 100 and 200 Executive Drive into a multi-family residential development. The district is approximately 18.3 acres in area. The envisioned development will consist of one or more types of multi-family housing in multiple buildings with an affordable set-aside. The redevelopment is also intended to include the provision of a public dog park as an amenity for the neighborhood and community at large.

Principal Permitted Uses

- Multifamily residential dwellings
- Townhouse residential dwellings
- Public Dog Park

Permitted Accessory Uses

- Parking, including parking structures
- Signage
- Uses customarily incidental to the principal use

Bulk Standards

Minimum Lot Area	80,000 SF
Minimum Setback to Block 155, Lot 26.01 (PSE&G Property)	15 feet
Min. Setback to Block 155, Lot 40.03	15 feet
Min. Setback to Block 155 Lot 40.04	75 feet

Min. Setback to all other lots / rights-of-way	0 feet
Maximum Building Height	Four (4) Habitable Stories (Parking structures and Garages are excluded from the calculation of habitable stories, but in no case may any parking structure exceed the height of the principal structure to which it is adjacent or attached)*
Maximum Residential Gross Density (Entire District)	24 Units per Acre
Maximum Lot (Impervious) Coverage	65%**

*Architectural features such as pitched roofs, gables, domes, steeples, etc. shall be permitted. Projections for roof equipment shall be permitted provided they are screened with a solid or decorative shield and do not exceed fifteen (15') feet in height above the roof deck.

**Where permeable paving systems are proposed, subject to the approval of the Township Engineer, the areas with permeable paving shall be calculated as 75% impervious. For instance, a parking area and plaza paved with a permeable paving system that equals 20% of the lot area shall be calculated as 15% impervious coverage for purposes of the maximum coverage calculation as it pertains to these district standards.

Additional Standards

- Area for a public dog park shall be provided within the district, either as a standalone lot or as part of a development site. The lot area devoted to the dog park, inclusive of parking, landscaping, buffer areas, and surrounding natural features, shall consist of a minimum of 80,000 square feet and shall be constructed by the redeveloper at its sole cost and expense. The design of the dog park shall be reviewed and approved by the Township Council.
 - A subdivision may be necessary to create a lot for the development of the dog park.
 - The dog park shall include sufficient areas to accommodate large and small dogs.
 - The dog park area shall include a minimum of fifty (50) parking spaces.
- Applications for development shall provide topographic data, the location of existing trees, and demonstrate compliance with the Township's Steep Slope and Natural Features Ordinance (Section 25-28) and the Tree Protection and Removal Ordinance (Section 25-27).
- The existing retention basin shall be upgraded and improved to provide an on-site amenity in addition to its function as a storm water management structure.

*Dog Park in Essex County Brookdale Park*

- Amenities including but not limited to one or more community rooms, fitness centers, pools, and outdoor seating areas shall be provided for the use and enjoyment of the residents. At the time of site plan application, details regarding the amenity package shall be presented for review.
- A 15 foot buffer area consisting of a mix of deciduous and evergreen plantings and a six (6') foot tall solid fence shall be provided along the property line adjacent to Block 155, Lot 26.01.
- Structured parking shall be designed using compatible or complementary materials to the principal building(s).

All voids in the structures shall be screened using architectural elements, green screens, scrims or other features so that lights and vehicles are not individually visible.

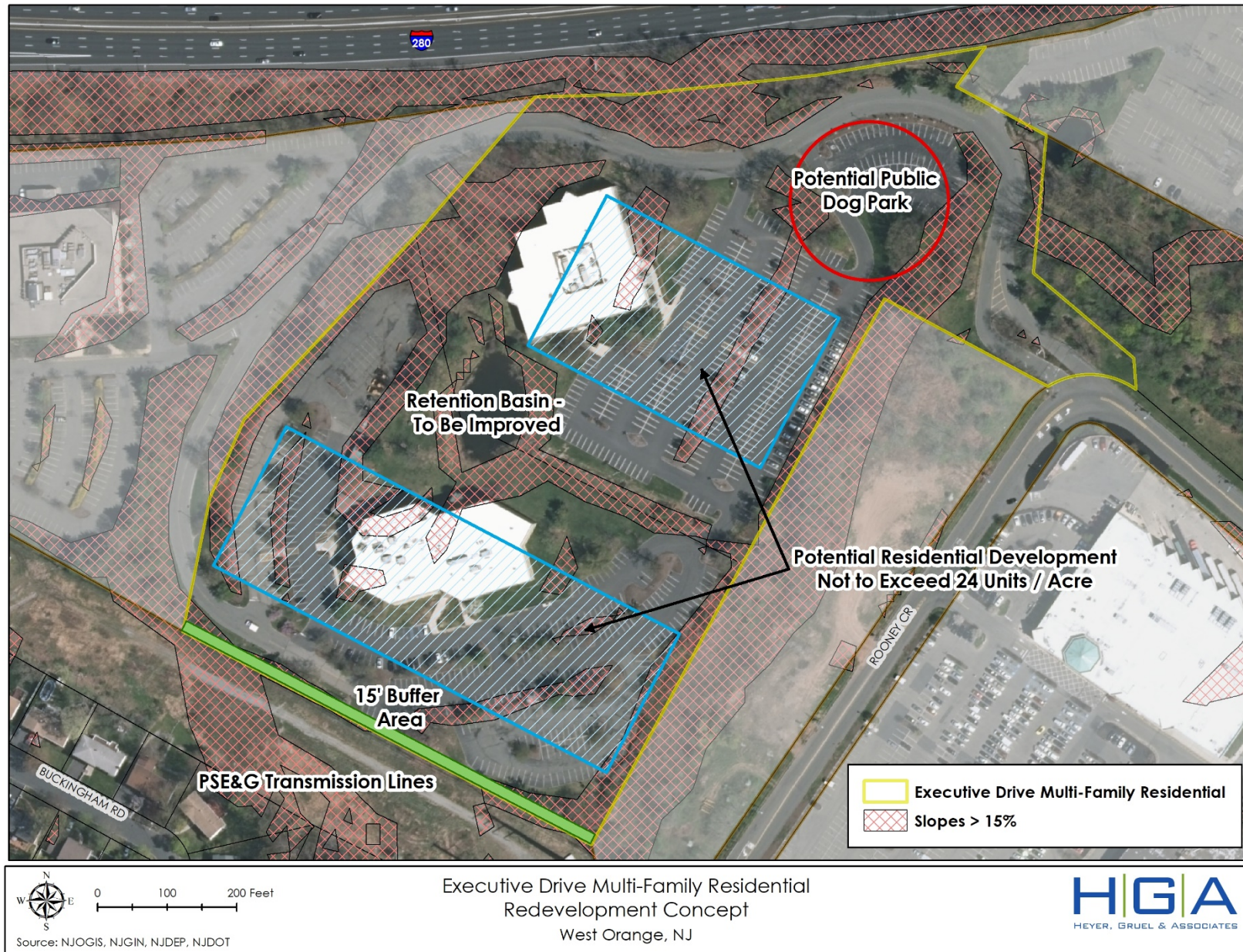
- The internal circulation for the district is shared with the adjacent 300 Executive Drive and 10 Rooney Circle properties. Modifications to the driveways and internal circulation system may be necessary. The existing access easements shall be preserved and/or updated as needed.
- The West Orange Jitney shuttle service provides a commuter link to the Orange, Mountain, and South Orange Train Stations. As part of the redevelopment of the site the Redeveloper shall work with the Township to supplement or expand the Jitney service if necessary. In addition, a shuttle from within the development to the Essex Green Bus Stop shall be provided to coordinate with the Jitney and to provide access to the shopping center and bus at other times of the day.



West Orange Jitney Shuttle Bus

Concept

The figure on page 22 provides a rough conceptual layout of the potential redevelopment scenario overlaid on the existing conditions. Future redevelopment on the site is intended within the previously developed portion of the site, to the extent feasible, in order to minimize the disturbance of steeply sloped areas. The concept illustrates the buffer area, potential building footprints, and the area that may be allocated for the construction of a public dog park. The concept is not binding for the Township or a potential developer, it is merely intended to provide an example of the possible redevelopment outcome.



Rooney Circle Mixed Use District*Purpose:*

The purpose of the Rooney Circle Mixed Use District is to permit the development of a mixed-use building and associated parking areas on an existing vacant property. The district is approximately 4.7 acres in area. As part of the redevelopment, well-designed pedestrian connections to other properties within the Area, particularly the Essex Green Shopping Center, shall be provided.

Principal Permitted Uses:

- Retail Stores
- Personal Service stores or studios
- Offices
- Restaurants and bars
- Banks
- Fitness Centers
- Medical, dental, psychiatric or chiropractic offices
- Multi-family residential dwellings

Permitted Accessory Uses:

- Parking
- Signage
- Outdoor dining
- Uses which are customarily incidental to the principal use

Bulk Standards

Minimum Lot Size	4 Acres
Minimum Setback to Rooney Circle	15 feet
Minimum setback to all other property lines	20 feet
Maximum Building height	4 Stories, 50 feet*
Maximum Residential Gross Density	24 units / acre
Maximum (Lot) Impervious Coverage	65%

*Building height shall be measured from the mean finished grade around the building to the roof deck in the case of a flat roof or to the midpoint of the roof in the case of a sloped roof. Projections for roof equipment shall be permitted provided they are screened with a solid or decorative shield and do not exceed fifteen (15') feet in height above the roof deck.

Additional Standards

- Applications for development shall provide topographic data and demonstrate compliance with the Township's Steep Slope and Natural Features Ordinance (Section 25-28) and the Tree Protection and Removal Ordinance (Section 25-27).
- Structured parking shall be designed to blend into the architectural character of the building and to be screened from public view.
 - All parking structures shall be designed using compatible or complementary materials to the principal building(s). All voids in the structures

shall be architecturally screened, so that lights and vehicles are not individually visible.

- No blank walls of parking structures shall face Rooney Circle. Any Rooney Circle facing façade shall provide pedestrian interest at ground level through a building lobby, storefront, or other architectural screening / wrapping mechanism.
- Pedestrian connections shall be provided across Rooney Circle to the Essex Green Shopping Center. The connections shall feature pedestrian activated signals, raised or stamped concrete crosswalks or other similar improvements subject to approval by the Township Council, Township Engineer, and Planning Board.
- Amenity space shall be provided as part of any multi-family residential development, consisting of one or more of a community room, a roof deck, a pool, a fitness center, or other similar offering.

Concept

- The figure on page 25 provides a rough conceptual layout of the potential redevelopment scenario overlaid on the existing conditions. Future development will focus on the portion of the site that is not encumbered by steep slopes. The concept includes a potential four-story building with a footprint of 30,000 – 35,000 square feet which could accommodate a mix of uses as well as a

mix of surface and structured parking. Pedestrian connections between the site and Essex Green are crucial and meant to reinforce the relationship between the properties. The concept is not binding for the Township or a potential developer, it is merely intended to provide an example of the possible redevelopment outcome.



10 Rooney Circle Office / Municipal Use District*Purpose:*

To allow for the continuation of office uses and provide a future opportunity to relocate or expand municipal services to the area. A mix of leasable office space, municipal office space, and other municipal or public uses is anticipated. The district is approximately 5.2 acres in area.

Principal Permitted Uses:

- Offices
- Public / Municipal facilities
- Libraries

Permitted Accessory Uses

- Parking
- Equipment and material storage areas associated with municipal facilities and services
- Fuel pumps associated with municipal facilities and services that are not open to the public
- Signage

Bulk Standards

Minimum Setback for Principal Structure (all lot lines)	80 feet
Minimum Setback for Accessory Structures	20 feet to I-280 ROW 50 feet to all other property lines
Maximum Building height	4 stories / 50 feet*
Maximum Lot (Impervious) Coverage	80%

*Building height shall be measured from the mean finished grade around the building to the roof deck in the case of a flat roof or to the midpoint of the roof in the case of a sloped roof. Projections for roof equipment shall be permitted provided they are screened with a solid or decorative shield and do not exceed fifteen (15') feet in height above the roof deck.

Additional Standards:

- Outdoor storage of materials, equipment or vehicles shall take place in designated areas. Where possible, materials and equipment should be stored within structures and/or screened from public view.

Essex Green Shopping Center District*Purpose:*

The purpose of the Essex Green Shopping Center District is to enhance the existing shopping center. The current uses and layout are anticipated to remain. Future development of the property may consist of minor expansions, retrofits, and adaptive reuse of existing spaces. The district is approximately 33.6 acres in area.

Permitted Principal Uses:

- Retail Stores
- Personal service stores or studios
- Restaurants
- Bars
- Motor vehicle fueling stations
- Post Offices
- Civic centers, limited to assembly hall and non-commercial indoor recreation facilities
- Theaters
- Self-storage facilities in basements of structures existing at the time of adoption of this Plan
- Medical, dental, psychiatric or chiropractic offices
- A maximum of three (3) drive-through facilities, which may include banks, fast food restaurants or pharmacies

Permitted Accessory Uses

- Required Accessory Parking

- Required Accessory truck loading spaces
- Private garage
- Signs

Permitted Conditional uses

- Video or amusement arcade subject to Ordinance Section 25-24.2.b.2(h)
- Commercial Antenna subject to Ordinance Section 25-24.2.b.2(e)

Bulk Requirements

Bulk Standard	Requirement
Minimum lot area	8 Acres
Minimum Setback to Prospect Avenue	100 feet
Minimum Setback to Rooney Circle	20 feet
Maximum building coverage	25%
Maximum lot (Impervious) coverage	85%
Minimum Space Between Buildings	30 feet unless buildings are physically connected
Maximum building height	3 stories / 45 feet

Additional Standards

- Mixed Uses and multiple principal uses on one lot shall be permitted in the Essex Green Shopping Center District.
- In the Essex Green Shopping Center District, every building or group of buildings shall make adequate

provisions for the proper disposal of waste within a screened enclosure.

- Indoor Storage and Loading. In the Essex Green Shopping Center District district, no visible display of waste, trash, scrap or material of any kind shall be permitted except that items offered for sale may be displayed in accordance with an overall plan to be included as part of the preliminary site plan, and in such districts, provisions shall be made for properly enclosed truck loading areas and bays located entirely within the structure.
- Drive-through facilities shall adhere to the following standards:
 - Drive-through lanes shall be physically separated from the traffic circulation system on the site by concrete curbed and landscaped islands with a minimum width of five (5) feet for landscaping.
 - Drive-through lanes shall permit the stacking of a minimum of ten (10) vehicles.
 - There shall be a break in the physical separation to provide a bypass lane to allow vehicles to exit the queue. The location of the bypass lane shall be approved by the Board.

Design Standards

The following are site plan design standards. The standard for relief for any deviations from these standards shall be consistent with the MLUL requirements at N.J.S.A 40:55D-51. The design standards are intended to reinforce the physical, visual, and spatial characteristics of the Redevelopment Area. Any elements not covered by these standards shall be subject to the appropriate provisions of the West Orange Land Use Regulations.

Architectural Design

- Each building shall have a cohesive architectural design that provides an attractive view from all vantage points. The topography of the Area creates a unique challenge with regard to building design and material choice.
- Exterior walls of buildings shall not have large blank or featureless expanses. Building facades shall be articulated with changes in depth, porches and/or balconies, recessed windows or window bays, and decorative elements.
- All building mechanical equipment and rooftop appurtenances shall be screened in an attractive manner that is consistent with the overall architectural design of the development. Consideration should be given to screening rooftops at lower elevations that may be viewed from above.

- Building facades shall be finished with durable material that differentiates between ground floors and upper floors and provides complementary variation along the façade. EIFS and vinyl siding shall be prohibited.

Fences and Walls

- Fences shall not exceed four (4') feet in height in any required setback area abutting a public street.
- Fences shall not exceed six (6') feet in height anywhere else in the Area.
- The finished side of any fence shall face away from the applicant's property.
- Chain link fence, barbed wire, razor wire, and electrical wire fence shall be prohibited.
- Walls shall not exceed four (4') feet in height, except for retaining walls required as part of an approved grading plan, subject to review by the Township Engineer and Planning Board.

Landscaping

- Maximum effort should be made to preserve and incorporate into the landscaping plan all existing trees and vegetation within the Area.
- All open space areas shall be landscaped and maintained in an attractive condition with appropriate plant materials.

- Best management practices are encouraged to reduce stormwater runoff and improve groundwater recharge.
- Native species shall be utilized for plantings to the extent feasible. Native plant species can be found at: [http://www.npsnj.org/pages/nativeplants Plant Lists.html](http://www.npsnj.org/pages/nativeplants%20Plant%20Lists.html) and other similar sources.
- Invasive species shall be prohibited. A list of invasive species and non-invasive alternatives can be found at: <https://www.invasive.org/alien/pubs/midatlantic/midatlantic.pdf>
- Landscaping shall be provided around the perimeter of parking areas and within islands and rows separating parking spaces. One (1) tree plus ground level plantings shall be provided for each ten (10) surface parking stalls proposed.

Lighting

- A lighting plan shall be provided for review by the Planning Board. The proposed level of illumination shall be shown for all areas of the site in either lux or foot-candles.
- Minimum Illumination Levels shall be as follows:
 - Pedestrian Walkways – 6 lux / 0.6 foot-candles
 - Parking Areas – 16 lux / 1.5 foot-candles
 - Streets / Driveways – 6 lux / 0.6 foot-candles
 - Parking Garages – 75 lux / 7.5 foot-candles

- Details shall be provided for all light poles and fixtures.
- All light fixtures shall be LEDs
- All light fixtures shall be shielded to prevent off-site spillage and glare.
- Light poles shall not exceed twenty (20') feet in height or the height of the principal building, whichever is lesser.

Parking and Loading

The design of off-street parking and loading areas shall comply with the standards in Township Ordinance Section 25-12.1, 25-12.3, and 25-12.4 except as noted below or elsewhere in this Plan:

- Parking spaces shall be setback a minimum of ten (10) feet from the Rooney Circle or I-280 right-of-way and a minimum of twenty-five (25') feet from the Prospect Avenue right-of-way.
- There shall be no required setback for parking spaces adjacent to other properties in the Area or private roadways.
- Bicycle racks shall be provided near the entrances of non-residential and municipal uses.
- Bicycle storage / parking areas are encouraged as an amenity in residential developments.
- Parking structures shall be constructed of compatible and/or complementary materials to the surrounding

buildings to blend architecturally with the remainder of the development.

- The provision of electric vehicle charging stations and spaces is encouraged within structured parking facilities and surface lots. Where demand is uncertain, providing adaptable electrical infrastructure to allow for the installation of charging stations in the future is preferred.



Electric Vehicle Charging Station

Recycling and Refuse

- All developments shall have appropriately sized recycling and refuse enclosures that comply with Township Ordinance section 25-8.14.
- All recycling and refuse enclosures shall be constructed of durable fencing and/or masonry block, a minimum of six (6') feet in height, which provides visual screening.
- Landscaping consisting of evergreen plantings shall supplement the screening.

Signage

- One (1) off-site directory sign shall be permitted along the Area's Prospect Avenue frontage.
 - An off-site directory sign shall be defined as a free-standing or monument sign used exclusively for the purpose of identifying the tenants, occupants, or uses of buildings or properties in different districts or on different properties within the Area.
 - Setback Requirement – Shall be a minimum of ten (10') feet from any property line.
 - Height Requirement – Shall not exceed ten (10') feet in height.
 - Size Requirement – Shall not exceed fifty (50) square feet in area per side.

- A system of wayfinding signage shall be permitted throughout the Area. The wayfinding signage shall be a comprehensive coordinated system with uniform style and color that is designed to direct motorists and pedestrians to destinations within the Area. There shall be no specific limit to the number of wayfinding sign, but their placement shall be subject to the Planning Board's review and approval.
 - Location Requirement – Shall not be placed in a location that obstructs or interferes with a sight triangle or any traffic control measures.
 - Height Requirement – Shall not exceed four (4') feet in height.
 - Size Requirement – Shall not exceed six (6) square feet in area per side.
- Except as noted in this Plan, signage in the Executive Drive Multifamily Residential District shall comply with Township Ordinance Section 25-15.3.b.
- Except as noted in this Plan, signage in the Rooney Circle Mixed Use District shall comply with Township Ordinance Section 25-15.3.c.2
- Except as noted in this Plan, signage Standards in the 10 Rooney Circle Office / Municipal District shall comply with Township Ordinance Section 25-15.3.c.2.

- Except as noted in this Plan, signage standards in the Essex Green Shopping Center District shall comply with Township Ordinance Section 25-15.3.c.2.

Stormwater Management

- All development shall comply with Section 25-29 "Stormwater Control" of the Township Ordinance.
- Site design within the Area shall adhere to the New Jersey Stormwater Management Best Management Practices.
- To the extent feasible, development within the Executive Drive Essex Green Redevelopment Area should utilize green infrastructure techniques including, but not limited to the following:
 - Rain gardens/bioswales: Landscaped areas with native vegetation that capture, filter, and retain rainwater and allow to be absorbed back into the groundwater system, reducing the amount of runoff flowing to the municipal sewers.
 - Green roofs: Roofs partially or completely covered with vegetation, soil beds, drainage layer, and a water-proofing medium. Benefits include retention and filtration of rainwater, reduction of urban heat island effect and insulation, creation of habitats for wildlife, and a more aesthetically pleasing landscape.

- Permeable pavement: Surface layer that allows for the infiltration of water back into the ground instead of into the sewers. Permeable pavement can be used for sidewalks as well as other hardscaped surfaces such as parking stalls and driving aisles.

Utilities

- All utilities shall be installed underground.
- Building mounted utility meters shall be placed in enclosures, rooms, alcoves or otherwise integrated within the design of the building and screened from public view.
- Utility boxes and ground level utility structures shall be screened on at least three (3) sides by landscaping that will conceal the box throughout the year while permitting access by the utility company.



Bioswale example of stormwater best management practice

SUSTAINABILITY PLAN

- *Master Plan Sustainability Plan* – New development and improvements to the site and buildings under the Executive Drive Essex Green Redevelopment Plan shall be guided by the Goals, Principles, and Actions of the most recent version of the Township of West Orange Sustainability Plan Element, adopted in the 2010 Master Plan Update.
- *Green Building Standards* – New development and site improvements shall follow the Sustainable Building and Design Standards and checklist in Section 25-51.16 of the Township Ordinance. Sustainable measures should include, but not be limited to, Sustainable Site Planning, Water Use Efficiency, Energy Efficiency, Sustainable Materials and Resource Use, Electric Vehicle Charging Infrastructure, and Healthy Indoor Environmental Quality. The Redeveloper is encouraged, but not required to, register the buildings in the Area in the USGBC LEED certification program.
- *Storm Water Best Management Practices (BMPs)* – Where possible, the Redeveloper is encouraged to utilize BMPs, including but not limited to rain gardens, bioswales, green roofs, and permeable pavement, to reduce stormwater runoff and improve groundwater recharge on the site.
- *Steep Slopes* – Development shall comply with the Township's Steep Slope and Natural Features Ordinance (Section 25-28) and Tree Protection and Removal Ordinance (Section 25-27) in order to minimize disturbance of any slopes greater than 15% grade and preserve existing trees.
- *Electric Vehicle Charging* – Electric vehicle charging stations should be incorporated throughout the Redevelopment Area. Office and commercial developments should offer designated spaces an amenity to employees, customers, and visitors. The Township should include EV infrastructure as part of any municipal / public uses that are developed in the Area. Multi-family residential developments should include charging stations and infrastructure that is adaptable to accommodate additional stations in the future.
- *Renewable Energy* – Redevelopment projects should explore the feasibility of incorporating renewable energy, particularly photovoltaic solar panels, into the design of projects. Roof mounted systems on office and commercial buildings or canopy systems on the top floor of structured parking or over surface parking lots are encouraged.

CIRCULATION PLAN

- *Master Plan Circulation Plan* – Improvements to the site under this Plan shall be guided by the general goals and objectives of the 2010 Master Plan Circulation Plan Update. Further, the 2010 Circulation Plan Element was amended in 2016 to incorporate the principles of “Complete Streets” and to create a comprehensive, integrated, connected street network that safely accommodate all users.
- *Site Circulation Standards* – Site circulation improvements shall include provision of sidewalks or similar pedestrian pathways, protections for pedestrians at crosswalks and sidewalks, bicycle paths and routes, bicycle racks, and other site circulation best practices for multi-family residential, commercial, and office sites.
- *Walking Path* - A walking path should be constructed throughout the Area, connecting the multifamily residential housing with the dog park, Essex Green shopping center, potential future municipal uses at 10 Rooney Circle and the jitney bus stop at Essex Green.
- Executive Drive is a private road, which provides access to 100, 200, 300 Executive Drive and 10 Rooney Circle. During the course of the redevelopment project, it may be necessary to modify or realign portions of Executive

Drive. There is an existing access easement in place that shall remain and be modified during the course of the redevelopment project if necessary.

- *Transit*
 - NJ Transit Bus Route 71 stops at the Essex Green Mall. The bus route runs through Essex County and terminates at Newark Penn Station. Wayfinding signage including route information, schedules, and other pertinent details should be provided at key points throughout the Area.
 - NJ Transit Rail Service with Mid-Town direct and Hoboken bound trains is available from three nearby stations. The Orange Train Station, the Mountain Station and the South Orange Station are approximately 3, 3.5 and 4.5 miles from the Redevelopment Area, respectively. The West Orange Jitney offers connecting service that stops at Essex Green in the morning and evening peaks. A shuttle within the redevelopment area should be provided in coordination between the Township and Redeveloper(s) that links the Jitney service to the potential residential, office, municipal, and retail users throughout the Area.

CONFORMANCE WITH TOWNSHIP OBJECTIVES

The Township's most recent comprehensive Master Plan was adopted in 1989. Since that time, two Reexamination Reports and updates to several Plan Elements have been prepared. The most recent Reexamination Report, as well as a Master Plan update including a Sustainability Plan and updates to the Land Use, Economic Development, and Historic Preservation Elements was adopted in 2010. An update to the Circulation Element was adopted in 2016, which includes a subsection of the recommendations section that incorporates a Complete Streets policy.

The 300 Executive Drive Redevelopment Plan, was adopted in September 2018 for the property adjacent to the Redevelopment Area to the west. The goals and objectives of that Plan are consistent with, and complementary to, this Plan.

Master Plan Reexamination Report and Update (2010)

The Township adopted a Master Plan Reexamination Report and Update in 2010. The following goals, objectives, and policies in the Plan are relevant to the Area and the formulation of this Redevelopment Plan:

Land Use Plan

- The existing land use of the Area is shown mostly as "Commercial," and Block 155, Lot 40.03 is shown as vacant. The plan does not contain any specific

discussion of the Area and does not recommend any changes to the Zoning for the Area.

Economic Development Recommendations

- The Economic Development Element recognizes the existing office / commercial developments clustered at I-280 and Prospect Avenue, and recommends that the Township continue to maintain a mix of land uses.
- The Plan continues the recommendation from 2004 that states: "development that generates employment opportunities and beneficial commercial/retail activity should continue to be encouraged where it is compatible with adjacent land uses, and sensitive natural and environmental features, and should be balanced by the need to maintain adequate public infrastructure and facilities, services and pedestrian and vehicular circulation patterns.
- The Essex Green shopping center and surrounding area is identified as a "Regional Center" for its variety of retail, restaurant, and entertainment establishments, as well as the complementary uses located close by including office, hotel, and personal services. Improvements to the regional business districts should continue to be encouraged. The Plan states that "A key for this area is to maintain a balance of land uses, which will have benefits with regard to traffic as well as fiscal impacts."

Sustainability Plan

- Encourage improved energy efficiency in existing commercial buildings.

Circulation Plan Element

- Essex Green is noted as being one of two shopping centers that is responsible for half of all pedestrian/auto accidents in the Township.
- The Township offers commuter shuttle routes (West Orange Jitney) that connect the nearby train stations to neighborhoods and commuter lots. This Plan seeks to integrate the Jitney service with new development and enhance it as necessary.
- This Plan promotes pedestrian connections throughout the development and requires design improvements to the circulation system that are consistent with the 2016 Complete Streets Plan Element.

RELATIONSHIP TO OTHER PLANS

State Development and Redevelopment Plan (SDRP)

In 2001, the State Planning Commission adopted the State Development and Redevelopment Plan (SDRP). The SDRP is a document that, while not binding, guides State-level development and redevelopment policy as well as local and regional planning efforts. Eight statewide goals are articulated in the Plan, along with dozens of corresponding implantation policies. The goals are as follows:

1. Revitalize the State's cities and towns.
2. Conserve the State's natural resources and systems.
3. Promote beneficial economic growth, development and renewal for all New Jersey residents.
4. Protect the environment, prevent and clean up pollution.
5. Provide adequate public facilities and services at a reasonable cost.
6. Provide adequate housing at a reasonable cost.
7. Preserve and enhance areas with historic, cultural, scenic, open space, and recreational value.
8. Ensure sound and integrated planning and implementation statewide.

This Plan meets stated goals 1, 2, 3, 5, 6, and 8 of the SDRP.

- The intended redevelopment of the outdated and underutilized office buildings into multi-family residential housing will bring a productive use to the site for the future.
- The Plan intends to minimize environmental disturbance by using existing infrastructure and building with respect to the sensitive environmental features on the site.
- Revitalizing and redeveloping the surplus of suburban office space to restore its economic benefit is a State-wide challenge that this Plan seeks to address.

- Relocating the Department of Public Works or Library to the office building at 10 Rooney Circle expands the Township's ability to provide municipal services.
- Constructing affordable, family rental housing fulfills the Township's affordable housing requirements while also providing housing for families of all income groups.
- The Redevelopment Area is located in PA-1 and is in close proximity to major highways. Redevelopment of the site is consistent with good planning principals and integrated land use planning and implementation.

The SDRP also includes a State Plan Policy Map, which divides the state into regions known as Planning Areas. This Redevelopment Area is located in the Metropolitan Planning Area (PA-1), which is characterized by intensive existing development and is the target for redevelopment efforts. The goals for PA-1 include the following:

1. Provide for much of the state's future redevelopment.
2. Revitalize cities and towns.
3. Promote growth in compact forms.
4. Stabilize older suburbs.
5. Redesign areas of sprawl.
6. Protect the character of existing stable communities.

This Plan meets stated goals 1, 3, 4, and 5 for Planning Area 1.

- The redevelopment project promotes the reuse and revitalization of a parcel whose current improvements are outdated. The best
- The redevelopment of a previously disturbed and developed site is consistent with concept of promoting growth in compact forms.
- The suburban office park model has declined in viability; this plan seeks to stabilize the Area's economic future by building more affordable housing options and promoting mixed-use development.
- Suburban office parks are a symbol of sprawling development patterns. This Plan seeks to develop buildings that were built during a period of suburban expansion and is currently outdated, and construct in their place new, affordable, multi-family housing.

State Strategic Plan

The final draft of the State Strategic Plan was released in 2012. While the State Strategic Plan has not been officially adopted, and the SDRP is still the official State Plan, it is still prudent to review the relationship between this Plan and the State Strategic Plan Draft. This Plan is consistent with the stated goals of the State Strategic Plan. This Plan exemplifies the guiding principle of "Spatial Efficiency", where new development is encouraged to be located in areas where infrastructure is already in place to support growth.

This Plan meets the following “Garden State Values” of the State Strategic Plan:

- Prioritize Redevelopment, infill, and existing infrastructure
- Increase Job and Business Opportunities in Priority Growth Investment Areas
- Create high-quality, livable places

Essex County Plans

The only recent county-wide planning document adopted by Essex County is the 2013 Comprehensive Transportation Plan. The County also has a Park, Recreation, and Open Space Master Plan that dates to 2003.

Essex County Comprehensive Transportation Plan (2013)

The County Comprehensive Transportation Plan’s vision is to “Develop a safe coordinated and integrated multimodal transportation system that provides accessibility for all users while promoting connectivity, economic vitality and productivity, our communities’ livability, and our ecosystem’s viability.”

- The West Orange Jitney System, which stops at Essex Green, is identified in the Transportation Plan as a link to the Orange and South Orange Train Stations, which offer Midtown-Direct train service.

- The Prospect Avenue corridor is identified as a location with a high percentage of auto trips with potential to be diverted to transit.

Master Plans of Adjacent Municipalities

The Redevelopment Area is centrally located within West Orange Township and does not border or impact any of the adjacent municipalities.

ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS**Redevelopment Entity**

The Township Council shall serve as the Redevelopment Entity to implement this Redevelopment Plan. The Redevelopment Entity must designate a redeveloper prior to the submission of an application for any approval to the Planning Board.

Property to be Acquired

The Area has been designated as a non-condemnation redevelopment area. No property acquisition through the use of eminent domain is authorized or anticipated as a part of this Plan.

Relocation Assistance

Eminent domain is not authorized as part of this plan and any transfer of property and subsequent relocation requirements are purely voluntary so no plan for relocation assistance is necessary.

Affordable Housing

There are no housing units in the Area, so there are no affordable housing units identified for removal as part of the implementation of this redevelopment Plan.

Provision of New Affordable Housing Units

Redevelopment Plans are permitted to require the provision of affordable housing units per the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.b).

Affordable units shall be family rental units. Residential units shall be developed in conformance with the Uniform Housing Affordability Controls (UHAC, N.J.A.C 5:80-26:1 et seq. or any successor legislation, with the exception that in lieu of 10% of the affordable units in rental projects being required to be affordable to households earning at or below 35% of the regional median income, 13% of the affordable units in such projects shall be affordable to households earning at or below 30% of the regional median income, consistent with and as required by the Fair Housing Act.

Deed Restrictions shall be filed ensuring that the affordability controls remain in place for at least 30 years pursuant to UHAC.

Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the West Orange Township Council may amend, revise or modify this Redevelopment Plan, as circumstances may make such changes appropriate.

Duration of the Redevelopment Plan

This Redevelopment Plan shall be in full force and effect for a period of thirty (30) years from the date of approval of this Plan by the Township Council.

IMPLEMENTATION OF REDEVELOPMENT PLAN**Redevelopment Agreements**

The following restrictions and controls on redevelopment are statutorily imposed by the Local Redevelopment and Housing Law, in connection with the selection of a redeveloper or redevelopers and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force. The restrictions and restraints shall be implemented by appropriate covenants or other provisions in redeveloper agreements and/or disposition instruments.

- The redeveloper(s) will be obligated to carry out the specified improvements in accordance with the Redevelopment Area Plan.
- The redeveloper(s), its successors or assigns shall devote land within the Redevelopment Area to the uses specified in this Redevelopment Plan.
- The redeveloper(s) shall begin the development of said land for the use(s) required in this Redevelopment Plan within a period of time that the Township Council fixes as reasonable.
- Until the redeveloper(s) completes construction of the improvements, the redeveloper(s) will not be permitted to sell, lease, or otherwise transfer or dispose of property within the Redevelopment Area without prior written consent of the Township.
- Upon completion of the required improvements, the conditions determined to exist at the time the Redevelopment Area was determined to be in need of redevelopment shall be deemed to no longer exist.
- No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the redeveloper(s), the Township Council, or the successors, lessees, or assigns of either of them, by which land in the Redevelopment Area is restricted as to sale, lease, or occupancy upon the basis of race, color, creed, religion, ancestry, national origin, sex or marital status.
- Neither the redeveloper(s) nor the Township Council, nor the successors, lessees, or assigns shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex or marital status in the sale, lease or rental or in the use and occupancy of land or improvements erected or to be erected thereon, or any part therein.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-10.1
STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE**

BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey as follows:

Section 1. Subsection 7-10.1, Stopping or Standing Prohibited During Certain Hours on Certain Streets, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

Name of Street	Sides	Hours	Location
Pleasant Valley Way	East	All	Beginning at the southerly curbline of Ronald Terrace extended and extending 75 feet southerly.
Pleasant Valley Way	East	All	Beginning at the southerly curbline of Kenz Terrace extended and extending 175 feet southerly.
Pleasant Valley Way	East	All	Beginning 291 feet south of the southerly curbline of Kenz Terrace extended and extending 40 feet southerly.

Section 2. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable.

Section 3. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon final passage, publication in accordance with law and the consent of the Essex County Board of Chosen Freeholders.

Karen J. Carnevale, R.M.C., Municipal Clerk

Robert D. Parisi, Mayor

Jerry Guarino, Council President

Introduced: May 29, 2019

Adopted: June 11, 2019

LEGISLATIVE HISTORY

This Ordinance will improve sight distance for vehicles exiting onto Pleasant Valley Way at Ronald Terrace, Kenz Terrace and the Burger King driveway at 432 Pleasant Valley Way by prohibiting stopping and standing on the east side of Pleasant Valley Way south of the aforementioned streets and driveway. The prohibition just south of Kenz Terrace exists by signage and yellow curb and this Ordinance will codify that prohibition.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-23.1
TURN PROHIBITIONS DURING CERTAIN HOURS ON CERTAIN STREETS OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST ORANGE**

BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey as follows:

Section 1. Subsection 7-23.1, Turn Prohibitions, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

Name of Street Prohibited	Turn	Hours/Days	Movement Prohibited
Mount Pleasant Avenue and driveway for 303 Mount Pleasant Avenue	Left	All	Eastbound on Mount Pleasant Avenue to Northbound into driveway for 303 Mount Pleasant Avenue.
Mount Pleasant Avenue and driveway for 303 Mount Pleasant Avenue	Left	All	Southbound from driveway for 303 Mount Pleasant Avenue to eastbound onto Mount Pleasant Avenue.

Section 2. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable.

Section 3. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon final passage, publication in accordance with law and the consent of the Essex County Board of Chosen Freeholders.

Karen J. Carnevale, R.M.C., Municipal Clerk

Robert D. Parisi, Mayor

Jerry Guarino, Council President

Introduced: May 29, 2019

Adopted: June 11, 2019

LEGISLATIVE HISTORY

This Ordinance prohibits left turns into and left turns out of the driveway for The Goddard School at 303 Mt. Pleasant Avenue from and onto Mt. Pleasant Avenue. These turn prohibitions were required by the approvals of the Land Use Boards of the Township of West Orange and the County of Essex.

**CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of West Orange in the County of Essex finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township of West Orange hereby determines that a 3.5% increase in the budget for said year, amounting to \$1,597,507.26 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township of West Orange hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget, shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of West Orange shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,597,507.26 and that the CY 2019 municipal budget for the Township of West Orange be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

This ordinance shall take effect after its final passage and publication in accordance with the law.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino, Council President

Introduced: June 12, 2019

Robert D. Parisi, Mayor

Adopted:

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
WEST ORANGE ABC BOARD**

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, an Application has been filed by AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, for renewal of its Plenary Retail Consumption License # 0722-33-066-009, for the period **July 1, 2019 through June 30, 2020**, the Application submitted to the Township Clerk and in compliance with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, at its regular meeting on June 29, 2010, the Township Council, sitting as the Township ABC Board, approved the person to person and place to place transfer of License No. 0722-33-066-009, from SHO, Inc., to AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, subject to the following special conditions:

1. All current security and off-duty police officers shall continue in accordance with past practice and resolutions (i.e., two (2) officers on Friday, Saturday and Sunday nights);
2. The business will not establish a policy whereby people under eighteen (18) years old must be accompanied by a parent or guardian in order to be on the premises unless such condition is affirmatively removed by the Township ABC Board; and
3. To the extent that the Licensee wishes to remove Condition No. 2, they may seek such relief before the Township ABC Board and in the event the Township ABC Board refuses to remove such condition, the Licensee fully preserves all of its rights, remedies and defenses including the right to appeal to the Director of Alcoholic Beverage Control for the State of New Jersey or such other entity or authority as may have jurisdiction; and

WHEREAS, after the aforesaid approval memorialized in ABC Resolution #443-10, the Licensee, AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, expressed the strong desire to limit the admission of minors under the age of eighteen (18) years to those accompanied by a parent or guardian, citing the risks inherent in a darkened movie theater environment combined with the presence of alcoholic beverages on the premises, the New Jersey tradition and practice of very strict regulation of ABC Licensees, and expressing the Licensee's firm wish and intent to comply with and foster the strict enforcement of the ABC statutes and regulations both to protect its own considerable investment in the Licensed premises, in its dine-in theater business plan, and to fulfill the underlying rationale for ABC regulations, the protection of the public health and safety; and

WHEREAS, the ABC Board acknowledged and appreciated all of those concerns and considerations, as well as the benefits to the local economy of the Licensee's investment and successful operation, and agreed to remove the earlier imposed special condition no. 2, in ABC Board Resolution 443-10, and because removal of special condition no. 2 made special condition no. 3 superfluous, agreed to remove that condition as well; and

WHEREAS, at a special meeting of the Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control, at the request of and with the consent of the Licensee, did Resolve in ABC Resolution #450, to amend its approval of the person to person and place to place transfer of License No. 0722-33-066-009, from SHO, Inc., to AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, removing special condition nos. 2 and 3 as set forth in ABC Board Resolution #443-10, and leaving only the following special condition:

1. All current security and off-duty police officer requirements shall continue in accordance with past practice and resolutions regarding this location (i.e., two (2) officers on Friday, Saturday and Sunday nights); and

WHEREAS, the Township discovered a U.S. Third Circuit Court of Appeals decision holding it to be arbitrary and unreasonable for a municipal land use board to require as a condition of approval of a variance that off-duty police officers be hired to direct traffic and monitor compliance with occupancy limits, it not having been shown that the Licensee's own employees were incapable of performing such tasks (See 256 F.3d 107 (3rd Cir. 2001), and as a matter of policy determined to cease the requirement of using Township Police Officers working side jobs for traffic control and security at or about Alcoholic Beverage Control Licensed premises, and

WHEREAS, the License renewal for the 2011 – 2012, and subsequent License terms incorporated such change in policy, providing for the following Special Condition:

1. All current security and off-duty police officer requirements shall continue in accordance with past practice and resolutions regarding this location, off-duty police officers not being required, but security personnel being permitted in their place and stead (i.e., two (2) security personnel on Friday, Saturday and Sunday nights); and

WHEREAS, by letter dated and sent via certified mail to the Licensee on or about **May 17, 2019**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Condition upon renewal for the **2019-2020** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the underlying reasons for the Special Conditions previously imposed on this License have not changed and the Licensee has offered no objection to their continuation, nor any request for their relaxation, and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License heretofore issued to the Licensee, AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, bearing License No. 0722-33-066-009, for the **2019-2020** License Term, subject to the following Special Condition pursuant to *N.J.S.A. 33:1-32*:

1. All current security and off-duty police officer requirements shall continue in accordance with past practice and resolutions regarding this location, off-duty police officers not being required, but security personnel being permitted in their place and stead (i.e., two (2) security personnel on Friday, Saturday and Sunday nights).

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Condition as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at its regular meeting held on **June 11, 2019**.

Jerry Guarino, Council President and
ABC Board Chairman

Karen J. Carnevale, R.M.C. Municipal Clerk and
Secretary to the ABC Board

Adopted: June 11, 2019

RESOLUTION

WHEREAS, unless otherwise noted herein, the holders of alcoholic beverage licenses from the Township of West Orange set forth on Exhibit A attached hereto and made part hereof, have made applications to this Township of West Orange ABC Board to renew said licenses for the **2019-2020** license term; and

WHEREAS, said licenses have paid all license renewal fees and submitted the appropriate application to renew; and

WHEREAS, a public hearing was held before the Township of West Orange ABC Board on **June 12, 2019** and no one appeared in opposition to any license renewal; and

NOW, THEREFORE, BE IT RESOLVED that the Township of West Orange ABC Board wishes to renew the following alcoholic beverage licenses set forth for the **2019-2020** license term:

0722-33-015-001 Essex County Country Club t/a Essex County Country Club

0722-33-043-008 Los Tapatios, Inc. t/a Los Tapatios

0722-33-055-006 MAC-643, LLC t/a Bonds

0722-33-052-003 Pleasantdale Chateau & Conference Resort t/a Pleasantdale Chateau

0722-36-073-002 Apple Nine Hospitality Mgmt., Inc. t/a Courtyard West Orange

0722-44-023-003 Brink Liquors, Inc. t/a Brink Wine & Liquors

0722-44-046-009 E.G. Holding Corp., Inc. t/a Total Wine and More

KAREN J. CARNEVALE, RMC
ABC Board Secretary

JERRY GUARINO
Council President/ABC Board member

Adopted: June 12, 2019

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
ALCOHOLIC BEVERAGE AND CONTROL BOARD**

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, on May 24, 2016, the Township Council of the Township of West Orange, sitting as the ABC Board for the Township of West Orange, approved the person to person transfer of Plenary Retail Consumption License No. 0722-33-035-011, from DJF Realty, Inc., 466 Prospect Avenue, West Orange, NJ, to Club 466 Caterers, LLC, 466 Prospect Avenue, West Orange, NJ 07052, and the License for the new Licensee having been renewed for the July 1, 2016 through June 30, 2017 License Term by West Orange ABC Board Resolution 563-16, on June 14, 2016; and

WHEREAS, an Application has been filed by Club 466 Caterers, LLC, 466 Prospect Avenue, West Orange, NJ 07052, for the renewal of its Plenary Retail Consumption License, bearing License #0722-33-035-011, for the period **July 1, 2019 through June 30, 2020**; and

WHEREAS, said Application complies with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, there is a long history with respect to the Licensed Premises located at 466 Prospect Avenue and its previous Licensee, DJF Realty, Inc., as set forth below, DJF Realty, Inc., continuing as the Landlord of the Licensed Premises following transfer of its Plenary Retail Consumption License to Club 466 Caterers, LLC; and

WHEREAS, Public Hearings were held by the Township Council in its capacity as the Municipal Board of Alcoholic Beverage Control on January 4, 2005 and January 18, 2005, in which the following Exhibits were marked and admitted into evidence:

- DJF-1 Planning Board Resolution PB-02-11 (October 21, 2002 Meeting, Resolution adopted November 13, 2002;
- DJF-2 First Floor Plan of Premises dated August 4, 2004;
- DJF-3 Fire Department Occupancy for Prior Licensed Premises;
- DJF-4 Second Floor Plan of Premises dated December 20, 2003;
- DJF-5 Foundation Plan dated August 4, 2004;
- DJF-6 Sky Dance Brochure and Etcetera Restaurant/Flirt Nightclub Business Plan Executive Summary;
- DJF-7 Letter dated January 12, 2005, from attorney for applicant listing Special Conditions acceptable to Licensee;
- DJF-8 Marketing flyer/advertisement for proposed June, 2003 opening of Etcetera Restaurant and Flirt Nightclub;
- DJF-9 Revised list of Special Conditions acceptable to Licensee;

DJF-10 Petitions to Insure the Quality of Life at Eagle Ridge Condominiums signed by 93 residents of Eagle Ridge Condominium community; and

WHEREAS, in addition to representatives of the applicant, one owner of a residence adjacent to the applicant's property, Richard S Schkolnick, Esq., an attorney on behalf of the Eagle Ridge Condominium Association, and more than a dozen residents of the adjacent Eagle Ridge Condominium community testified at the Public Hearings regarding their experiences with excessive noise, trespass, litter, and nuisance behavior by patrons of the prior license holder and concern about the likelihood of those problems increasing due to the larger size, capacity and intensification of use of the premises, including expansion of the parking areas to be used by the new licensed premises all adjacent to the Eagle Ridge community, almost a hundred residents of which signed petitions expressing these same concerns, and

WHEREAS, the Board expressed the belief that the noise problems faced by the residents of Eagle Ridge, many of whom retire for the night relatively early since they must leave early in the morning to commute to New York City, would be at least somewhat alleviated by cutting off the sale of alcohol at an earlier than usual hour to promote a more gradual departure of patrons during the hour or so before closing time, and

WHEREAS, the Board expressed concern about the "sky dance" cages or boxes, the advertisements for which show scantily clad women dancing inside them, and the applicant unable or unwilling to fully describe how they would be used other than for "motivational dancing", and their visibility from almost any and all parts of the premises, including the dining areas, and as elected officials and representatives of the conscience of the West Orange community, and wishing to maintain the community's character and moral standards, determined that the use of such entertainment equipment does not fit the character and standards of the community and should not be permitted on the premises, and

WHEREAS, the purpose of the ABC regulatory scheme is to protect the health, safety and welfare of the people of the State of New Jersey, and the fostering of moderate and responsible use and consumption of alcoholic beverages, and the proposed special conditions limiting hours of sale of alcohol and the use of entertainment devices which encourage excessive and irresponsible consumption of alcoholic beverages being logically related to the regulatory scheme and being reasonable efforts to promote the purposes of that scheme, and

WHEREAS the Board, by Resolution adopted following the January 18, 2005 hearing, approved the renewal of the Plenary Retail Consumption License issued to the Licensee bearing License #0722-33-035-008 for the 2004-2005 licensing term and further approved the Place-to-Place Transfer of said license (Expansion of Premises) for premises located at 466 Prospect Avenue, West Orange, New Jersey to place under license the area delineated in the Application Form and sketch of the licensed premises attached thereto or as otherwise approved by the West Orange Planning Board, the renewal and Place-to-Place Transfer subject to the following sixteen Special Conditions pursuant to *N.J.S.A. 33:1-32* (1 through 14 of which were agreed to by the Licensee, 15 and 16 of which, dealing with the sky dance boxes or cages and the hours of operation, respectively, were not agreed to by the Licensee):

1. All parking provided for the licensed premises shall be done by way of valet parking after 5:00 p.m. seven days per week and all valet parking employees shall be required to wear earphones with microphones in order to limit unnecessary shouting in the parking areas;
2. The Licensee shall hire one or more off-duty police officers at prevailing rates to direct traffic entering and exiting the premises in order to ease vehicular congestion on and around the premises. The officer or officers are to be on the site by 9:00 p.m. every Friday and Saturday night until closing, or earlier than 9:00 p.m., or additional nights, or both, as may be needed. The Licensee shall work in conjunction with the West Orange Police Department in determining the needs of the site;
- 3 The Licensee shall refuse motorcycles on the site in order to limit noise on the premises;
4. There shall be no music outside the building, including but not limited to, the outside patio area;
5. The Licensee will not permit teen nights on the premises at any time;
6. The Licensee shall not advertise to the general public that the premises are opened as follows:
 - A. "Eighteen to party, twenty-one to drink" or other language to the same effect;
7. No alcoholic beverages or food shall be sold, served or consumed by patrons in the basement or on the third floor and said areas shall not be open to patrons;
8. Licensee shall not admit persons to the licensed premises who have not parked their vehicle with Licensee's valet service except in the case of persons arriving by taxicab, public transportation, car service or those persons who reside or are employed in homes and buildings on the East Side of Prospect Avenue, i.e., Eagle Ridge Condos, etc;
9. The sale of alcoholic beverages shall be prohibited on the premises until a Certificate of Occupancy is issued for the premises as well as any other license, permit, or Governmental approval required by law.
10. There shall be no outside bar service, including, but not limited to, the patio area.
11. The total number of patrons permitted on the premises which shall include the interior and patio areas shall be limited to 499 persons. This provision shall not restrict the authority of the Planning Board, Fire Department, or any other governmental authority from imposing further or different restrictions pursuant to their lawful authority;
12. The Licensee shall not remove bottles or other kinds of noise-producing refuse from the building after 10:00 p.m.
13. The Licensee shall provide private security personnel to monitor parking areas leased by the licensed premises for additional parking.

14. The Licensee shall install a second set of doors in the main entrance area to limit the amount of sound escaping from the premises.
15. The Licensee shall not be permitted to have “sky dance” cages or boxes, or similar devices, mechanisms, or equipment, on the premises.
16. The hours for sale of alcoholic beverages on the licensed premises are restricted as follows:
 - Sunday - 12:00 p.m. to 11:00 p.m.
 - Monday, Tuesday, Wednesday - 7:00 a.m. to 11:00 p.m.
 - Thursday - 7:00 a.m. to 12:00 a.m.
 - Friday - 7:00 a.m. to 1:00 a.m. Saturday
 - Saturday - 7:00 a.m. to 1:00 a.m. Sunday; and

WHEREAS, the licensee appealed those special conditions, which appeal was transmitted to the Office of Administrative Law where it was assigned docket no. ABCPL 03686-2005N, and was pending a plenary hearing, and

WHEREAS, those special conditions were submitted to the Director of Alcoholic Beverage Control for approval as required by *N.J.S.A. 33:1-32*, and his approval was granted by letter dated June 13, 2005, and

WHEREAS, the West Orange Planning Board, following numerous public hearings on the Licensee’s application for amended site plan approval with variances, having decided on March 11, 2009, and memorializing said decision by adopting a Resolution of Approval on April 1, 2009, setting forth findings of fact and conclusions of law, and approving the application of DJF Realty, Inc., for amended Preliminary and Final Site Plan Approval with variances, all subject to certain conditions set forth in the Resolution, and the Applicant and Owner of the property at 466 Prospect Avenue, West Orange, NJ, having entered into a private Agreement with the Property Owners Association of Eagle Ridge, previously an objector to the application before the Planning Board, resolving their differences subject to certain conditions, and the Licensee having withdrawn its appeal and consenting to its dismissal for each and every one of the appeals filed to that point, and the Township agreeing to withdraw Special Conditions 15 and 16, which had been attached to the license renewals since the 2005 term, the remaining Special Conditions, imposed pursuant to *N.J.S.A. 33:1-32*, numbered 1 through 14, to remain in effect unless and until withdrawn by the West Orange ABC Board, in whole or in part, in conjunction with the next and subsequent annual license renewal periods, and following a hearing as may be required by law, and

WHEREAS, at its regular meeting on October 13, 2009, upon request by counsel for the Licensee, and due to changed circumstances, the West Orange ABC Board agreed to eliminate what had in prior approvals been Special Condition no. 8, regarding the refusal of admission of persons not using valet parking; and

WHEREAS, at the same meeting, the West Orange ABC Board, after hearing requests and argument by the Licensee’s counsel as well as counsel to the ABC Board, made modifications to what had been Special Condition no. 2, in prior approvals, to add the Special

Condition required by the then most recent Special Ruling, and to incorporate all pertinent parts of the Planning Board's Approval Resolution and the Agreement with the Property Owners Association of Eagle Ridge into its Special Conditions as follows:

1. All parking provided for the licensed premises shall be done by way of valet parking after 5:00 p.m. seven days per week and all valet parking employees shall be required to wear earphones with microphones in order to limit unnecessary shouting in the parking areas.
2. Every Thursday, Friday and Saturday night, and any night when the nightclub portion of the facility is open for business, meaning when there is dancing, 4sixty6 shall have not less than two (2) off-duty West Orange police officers present to control traffic and any disturbances at the proposed restaurant and nightclub. The Licensee shall hire such off-duty police officers at prevailing rates to direct traffic entering and exiting the premises in order to ease vehicular congestion on and around the premises. On those nights when the officers are required, they are to be on the site by 9:00 p.m., and to remain until closing. The Licensee shall work in conjunction with the West Orange Police Department in determining the specific needs of the site and, when required by that Department, the officers shall be on site earlier than 9:00 p.m., or on additional nights, or both. In the event that West Orange Police Officers are not available for these purposes, 4sixty6 may hire police officers from other municipalities or Essex County Police or Sheriff's Officers.
3. The Licensee shall refuse motorcycles on the site in order to limit noise on the premises.
4. There shall be no music outside the building, including but not limited to, the outside patio area.
5. The Licensee will not permit teen nights on the premises at any time.
6. The Licensee shall not advertise to the general public that the premises are opened as follows: "Eighteen to party, twenty-one to drink", or other language to the same effect.
7. No alcoholic beverages or food shall be sold, served or consumed by patrons in the basement or on the third floor and said areas shall not be open to patrons.
8. The sale of alcoholic beverages shall be prohibited on the premises until a Certificate of Occupancy is issued for the premises as well as any other license, permit, or governmental approval required by law.
9. There shall be no outside bar service, including, but not limited to, the patio area.
10. The total number of patrons permitted on the premises which shall include the interior and patio areas shall be limited to 499 persons. This provision shall not restrict the authority of the Planning Board, Fire Department, or any other

governmental authority from imposing further or different restrictions pursuant to their lawful authority.

11. The Licensee shall not remove bottles or other kinds of noise-producing refuse from the building after 10:00 p.m.
12. The Licensee shall provide private security personnel to monitor parking areas leased by the licensed premises for additional parking.
13. The Licensee shall install a second set of doors in the main entrance area to limit the amount of sound escaping from the premises.
14. Pursuant to the ABC Director's Special Ruling dated September 29, 2009, pursuant to *N.J.S.A. 33:1-12.39*, since at the time it was the sixth license term for which relief was sought pursuant to *N.J.S.A. 33:1-12.39*, no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2010. The license is being actively used at an approved site and has been so used for some time before June 30, 2010.
15. Consistent with the Agreement entered into between Licensee DJF Realty, Inc., the Applicant before the West Orange Planning Board for development of the site at 466 Prospect Avenue, and the owner of that property, Marjac, LLC, and the Property Owners Association of Eagle Ridge, the paragraphs in that Agreement numbered 4 (Closing Hours) and 7 (Police Presence), are incorporated into the West Orange ABC Board's approval of renewal of the liquor license such that it shall be a Special Condition of Renewal for this and for each and every renewal term to follow, that the restaurant and/or nightclub at 466 Prospect Avenue shall have a last call no later than 1:30 a.m., with a grace period of not more than ten (10) minutes prior to enforcement, which time requirement will not be effective on New Year's Eve or on the night when Daylight Savings Time takes effect in the spring of each year, when the closing hour will be one (1) hour later, which closing time may be extended in the event a State law or a municipal ordinance is adopted extending closing hours for Alcoholic Beverage establishments. Paragraph 7 (Police Presence) of that Agreement has already been incorporated in paragraph 2, above and herein.
16. The Licensee shall comply with all conditions and requirements of the West Orange Planning Board approval as set forth in its Resolution of Approval dated April 1, 2009; and

WHEREAS, the Township discovered a U.S. Third Circuit Court of Appeals decision holding it to be arbitrary and unreasonable for a municipal land use board to require as a condition of approval of a variance that off-duty police officers be hired to direct traffic and monitor compliance with occupancy limits, it not having been shown that the Licensee's own employees were incapable of performing such tasks (See 256 F.3d 107 (3rd Cir. 2001)), and as a matter of policy determined to cease the requirement of using Township Police Officers working side jobs for traffic control and security at or about Alcoholic Beverage Control Licensed premises, and

WHEREAS, the License renewal for the 2011 - 2012 License term incorporated such change in policy, which has been continued thereafter; and

WHEREAS, the new Licensee, Club 466 Caterers, LLC, is an experienced catering operator which has been since the transfer of License, and will be operating the premises, leased from the previous Licensee, not as a bar/restaurant/nightclub, but as a catering venue for weddings and other special occasions, which the new Licensee had and has agreed to operate within the Special Conditions previously in place as they will not adversely affect the New Licensee's catering use; and

WHEREAS, the Licensee was notified by certified mail, return receipt requested, of the ABC Board's intention to continue the same Special Conditions for the **2019-2020** License Term and having offered no objection to same, indicating its continuing consent;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control does hereby approve the renewal of the Plenary Retail Consumption License heretofore issued to the Licensee, Club 466 Caterers, LLC, bearing License #0722-33-035-011, for the **2019-2020** Licensing term, said renewal being subject to the following Special Conditions pursuant to N.J.S.A. 33:1-32, all of which Special Conditions having been found by the Board to be necessary and proper to accomplish the objects of Title 33 and secure compliance with its provisions, and submitted for approval by the Director of the Division of Alcoholic Beverage Control in accordance with law:

1. All parking provided for the licensed premises shall be done by way of valet parking after 5:00 p.m. seven days per week and all valet parking employees shall be required to wear earphones with microphones in order to limit unnecessary shouting in the parking areas.
2. Every Thursday, Friday and Saturday night, and any night when the nightclub portion of the facility is open for business, meaning when there is dancing, 4sixty6 shall have not less than two (2) security personnel, at least one of whom shall be qualified to direct traffic on the streets and roads of New Jersey, present to control traffic and any disturbances at the proposed restaurant and nightclub. The Licensee shall hire such security personnel at prevailing rates, one to direct traffic entering and exiting the premises in order to ease vehicular congestion on and around the premises, and the other to control any disturbances. On those nights when the security personnel are required, they are to be on the site by 9:00 p.m., and to remain until closing. The Licensee shall work in conjunction with the West Orange Police Department in determining the specific needs of the site and, when required by that Department, the security personnel shall be on site earlier than 9:00 p.m., or on additional nights, or both.
3. The Licensee shall refuse motorcycles on the site in order to limit noise on the premises.

4. There shall be no music outside the building, including but not limited to, the outside patio area.
5. The Licensee will not permit teen nights on the premises at any time.
6. The Licensee shall not advertise to the general public that the premises are opened as follows: "Eighteen to party, twenty-one to drink", or other language to the same effect.
7. No alcoholic beverages or food shall be sold, served or consumed by patrons in the basement or on the third floor and said areas shall not be open to patrons.
8. The sale of alcoholic beverages shall be prohibited on the premises until a Certificate of Occupancy is issued for the premises as well as any other license, permit, or governmental approval required by law.
9. There shall be no outside bar service, including, but not limited to, the patio area.
10. The total number of patrons permitted on the premises which shall include the interior and patio areas shall be limited to 499 persons. This provision shall not restrict the authority of the Planning Board, Fire Department, or any other governmental authority from imposing further or different restrictions pursuant to their lawful authority.
11. The Licensee shall not remove bottles or other kinds of noise-producing refuse from the building after 10:00 p.m.
12. The Licensee shall provide private security personnel to monitor parking areas leased by the licensed premises for additional parking.
13. The Licensee shall install a second set of doors in the main entrance area to limit the amount of sound escaping from the premises.
14. Pursuant to the ABC Director's Special Ruling dated September 29, 2009, pursuant to *N.J.S.A. 33:1-12.39*, since at that time it was the sixth license term for which relief was sought pursuant to *N.J.S.A. 33:1-12.39*, no further renewals of this license were to be granted unless the license is being actively used at an approved site on or before June 30, 2010. The license is and has for some time now been actively used at an approved site.
15. Consistent with the Agreement entered into between Licensee DJF Realty, Inc., the Applicant before the West Orange Planning Board for development of the site at 466 Prospect Avenue, and the owner of that property, Marjac, LLC, and the Property Owners Association of Eagle Ridge, the paragraphs in that Agreement numbered 4 (Closing Hours) and 7 (Police Presence), to the extent not inconsistent herewith, are incorporated into the West Orange ABC Board's approval of renewal of the liquor license such that it shall be a Special Condition of Renewal for this and for each and every renewal term to follow, that the

restaurant and/or nightclub at 466 Prospect Avenue shall have a last call no later than 1:30 a.m., with a grace period of not more than ten (10) minutes prior to enforcement, which time requirement will not be effective on New Year's Eve or on the night when Daylight Savings Time takes effect in the spring of each year, when the closing hour will be one (1) hour later, which closing time may be extended in the event a State law or a municipal ordinance is adopted extending closing hours for Alcoholic Beverage establishments. Paragraph 7 (Police Presence) of that Agreement has already been incorporated in paragraph 2, above and herein, except to make clear that private security personnel rather than Police Officers are acceptable alternatives to perform the required tasks.

16. The Licensee shall comply with all conditions and requirements of the West Orange Planning Board approval as set forth in its Resolution of Approval dated April 1, 2009, to the extent not inconsistent herewith.

AND BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records.

The above Resolution was passed by Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 11, 2019**.

Jerry Guarino, Council President and
ABC Board Chairman

Karen J. Carnevale, Municipal Clerk
and Secretary to the ABC Board

Adopted: June 11, 2019

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
WEST ORANGE ABC BOARD**

RESOLUTION

WHEREAS, an Application has been filed by Huguitos Bar and Restaurant LLC, 19 White Street, West Orange, NJ, for renewal of its Plenary Retail Consumption License # 0722-33-024-005, for the period **July 1, 2019 through June 30, 2020**, the Application submitted to the Township Clerk and in compliance with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, in May, 2018, following an ABC inspection, numerous ABC violations were observed and recommendations made for certain ABC violation charges to be brought against the Licensee, including, but not limited to, failure to provide a copy of the most recent full application and/or current renewal application, having an incomplete employee list, failure to have true book or books of account available on the licensed premises, failure to produce same within seven business days of demand, employee hindering an investigation, lease out of the License, and non-payment of required taxes, or failure of proof of payment of same, such charges currently pending; and

WHEREAS, in February, 2009, notices of alcoholic beverage control charges, including seven separate allegations of violation of *N.J.A.C. 13:2-23.6*, prohibiting immoral activities, disturbance and nuisance on the premises, and two separate allegations of violation of *N.J.A.C. 13:2-23.1(b)*, prohibiting the sale of alcoholic beverages to intoxicated persons, were brought by the Township of West Orange against Huguitos Bar and Restaurant, LLC, License # 0722-33-024-005, and properly served upon that Licensee; and

WHEREAS, the Township and the Licensee, each represented by counsel, in order to avoid the time and expense of a hearing on the charges, came to a mutually satisfactory agreement to resolve all of the charges; and

WHEREAS, the Township Council of the Township of West Orange, sitting as and constituting the Township's ABC Board, at its regular meeting held on the evening of March 24, 2009, having pursuant to the aforesaid agreement accepted a plea of non-vult to Count III of the ABC charges brought against the Licensee on February 18, 2009, alleging violation of *N.J.A.C. 13:2-23.6*, Prohibition Against Immoral Activities, Disturbance, and Nuisance on Premises, specifically that "The Licensee has violated *N.J.A.C. 13:2-23.6*, in that it has repeatedly and over a period of more than a year, allowed, permitted, or suffered in or upon the licensed premises brawls, acts of violence, disturbances and/or unnecessary noise, requiring many calls to and interventions by the West Orange Police Department, and numerous charges against the licensed premises, including, but not limited to, incidents and charges of such conduct occurring on September 8, 2007, May 7, 2008, May 18, 2008, June 22, 2008, August 17, 2008, August 28, 2008, and November 23, 2008, such that the operation of this licensed premises has been a nuisance."; and

WHEREAS, in exchange for the non-vult plea of the Licensee, the agreement provided for a 10 day suspension of the license, 5 days to be held in abeyance for a period of one year and to be served in the event of a liquor license violation within that one year period of time, 5 days to be served commencing on a Sunday, and the voluntary restrictions in place since September,

2008, are to be continued as follows: Sunday through Wednesday last call at 12:30 a.m., closing at 1:00 a.m., and Thursday, Friday and Saturday last call at 1:00 a.m., and closing by 2:00 a.m., no patrons admitted to the premises after 12:30 a.m., on Sunday through Wednesday, and no patrons admitted to the premises after 1:00 a.m., on Thursday, Friday and Saturday, the additional security to be continued, one officer on Thursday and two on Friday and Saturday, all of those voluntary restrictions to be revisited in connection with the licensee's renewal for the 2009/2010 license year in June, 2009, when the West Orange ABC Board can consider whether or not special conditions should be imposed with renewal of the license; and

WHEREAS, the Licensee, the West Orange Police Department and the municipal ABC Board came to an agreement with respect to Special Conditions to be imposed for the 2009 to 2010 License year; and

WHEREAS, the Licensee requested that the requirement for one security personnel being present on Thursday nights be deleted because there is so little business on Thursday nights and the Police Department reporting that in view of the lack of significant incidents over the past year at the licensed premises and the existing 90-day review period, it had no objection to this requested change which was made at the time of License renewal for the 2010 to 2011 License year; and

WHEREAS, the Licensee was notified by certified mail, return receipt requested, of the ABC Board's intention to continue the same Special Conditions for the 2012 to 2013 License Term, and was provided with an opportunity to object and be heard with respect to the Special Conditions to be imposed, and notified the ABC Board by letter dated June 6, 2012, from counsel for the Licensee, that the Licensee requested the Special Conditions to be amended to include that the Licensee shall have last call Monday through Wednesday at 12:30 a.m., with no patrons to be admitted to the premises after 12:30 a.m., and closing at 1:00 a.m., and shall have last call Thursday through Sunday at 1:00 a.m., with no patrons to be admitted to the premises after 1:00 a.m., and closing at 2:00 a.m., requesting a hearing with respect to said request; and

WHEREAS, the West Orange Police Department had reviewed its records with respect to this Licensee over the 2011 to 2012 license year and agreed that its records supported a modification of the Special Conditions consistent with the request of the Licensee; and

WHEREAS, the ABC Board then approved renewal of the License for the 2012 – 2013 License Term as follows;

- A. The Licensee shall have last call on Monday through Wednesday at 12:30 a.m., no patrons to be admitted to the premises after 12:30 a.m., closing at 1:00 a.m.;
- B. The Licensee shall have last call on Thursday through Sunday at 1:00 a.m., no patrons to be admitted to the premises after 1:00 a.m., and closing at 2:00 a.m.;
- C. The Licensee shall provide at least two security officers on Friday and Saturday evenings until closing on each of those nights;
- D. The Licensee shall provide at least two security video cameras outside the premises, one covering the Ashland Avenue side of the building and the other the White Street side of the building, and at least two security video cameras inside the premises, one covering the entire bar area and the other covering the back room, all security video cameras to be properly maintained, kept in proper working order and the video disks or tapes kept for 30 days before being recycled;

- E. Members of the West Orange Police Department shall periodically monitor the security system in place at the Licensed premises including all security video cameras, personnel and deployment of all of them, and the Licensee shall work with the Police Department to maintain and, as necessary or advisable, improve security in and outside the Licensed premises to address and remedy alcohol consumption related problems;
- F. All of the above Special Conditions shall be subject to review by the Board every ninety (90) days, and in the event there are incidents implicating the purpose of the ABC regulatory scheme to protect the health, safety and welfare of the people of the State of New Jersey, and the fostering of moderate and responsible use and consumption of alcoholic beverages, then, subject to the Licensee's right to be heard at a public hearing, the Board may adjust the Special Conditions without the need to wait for the next license renewal; and

WHEREAS, by letter dated **May 17, 2019**, sent by the Municipal Clerk that day to the Licensee via certified mail, registered return receipt, and to the Licensee's counsel via e-mail advising all of the ABC Board's intention to impose the same Special Conditions upon renewal of the License for the **2019-2020** License Term, modifying the language in Special Condition D., and offering a formal hearing in the event the Licensee had any objection to such Special Conditions; and

WHEREAS, the Licensee has by its inaction consented to the same Special Conditions upon renewal together with the proposed modification of the language in Special Condition D.; and

WHEREAS, the ABC Commissioner for the State of New Jersey has advised that the Special Condition set forth in paragraph F., above, exceeds the Township's lawful discretion; and

WHEREAS, the Township has never actually imposed or modified a Special Condition at times other than expressly permitted by statute;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License heretofore issued to the Licensee, Huguitos Bar and Restaurant, LLC, bearing License # 0722-33-024-005, for the **2019-2020** licensing term for the premises at 19 White Street, subject to the following Special Conditions pursuant to *N.J.S.A. 33:1-32*:

- A. The Licensee shall have last call on Monday through Wednesday at 12:30 a.m., no patrons to be admitted to the premises after 12:30 a.m., closing at 1:00 a.m.;
- B. The Licensee shall have last call on Thursday through Sunday at 1:00 a.m., no patrons to be admitted to the premises after 1:00 a.m., and closing at 2:00 a.m.;
- C. The Licensee shall provide at least two security officers on Friday and Saturday evenings until closing on each of those nights;
- D. The Licensee shall provide at least two security video cameras outside the premises, one covering the Ashland Avenue side of the building and the other the

White Street side of the building, and at least two security video cameras inside the premises, one covering the entire bar area and the other covering the back room, all security video cameras to be operating during all hours when the Licensed Premises is open for business, to be properly maintained, kept in proper working order and the video disks or tapes kept and made available to the West Orange Police Department upon request for at least thirty (30) days following the date of recording and before being recycled;

- E. Members of the West Orange Police Department shall periodically monitor the security system in place at the Licensed premises including all security video cameras, personnel and deployment of all of them, and the Licensee shall work with the Police Department to maintain and, as necessary or advisable, improve security in and outside the Licensed premises to address and remedy alcohol consumption related problems;

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Conditions as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange sitting and serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 11, 2019**.

Jerry Guarino, Council President
and ABC Board Chairman

Karen J. Carnevale, Municipal Clerk
and Secretary to the ABC Board

Adopted: June 11, 2019

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
WEST ORANGE ABC BOARD**

RESOLUTION

WHEREAS, an application has been filed by Angelitos, LLC t/a El Palacio DePollo, located at 540 Valley Road, West Orange, New Jersey, for renewal of its Plenary Retail Consumption License # 0722-33-039-008, for the **2019-2020** License Term, which License was obtained by Angelinos, LLC, on May 29, 2012, through a person to person transfer of said License from Duran & Vera, L.L.C., t/a El Rancho, which Licensee had a history of violations and incidents resulting in Special Conditions being attached to its License since the 2005 - 2006 License Term; and

WHEREAS, the West Orange Police Department, due to the extensive enforcement history, repeated quality of life complaints from the neighborhood, and need for extensive police intervention, recommended that the Special Conditions attached to the prior Licensee, Duran & Vera, be carried over to the new Licensee, Angelitos, at least until experience with the operations of the new Licensee makes clear that those Special Conditions, or some of them, can be relaxed without putting the neighborhood at risk and overburdening the Police Department; and

WHEREAS, a public hearing was conducted on May 29, 2012 and no one appeared in opposition to the person to person transfer, and Raymond Armour, Esq. Attorney for the transferee, was present and consented to the Special Conditions attached to the previous Licensee being transferred to the new Licensee; and

WHEREAS, on May 29, 2012, the West Orange ABC Board approved the person to person transfer of Plenary Retail Consumption License #0722-33-039-008, to Angelitos, LLC t/a El Palacio DePollo, with the same Special Conditions attached to its License as had been attached to the previous Licensee and with the understanding and agreement that the same Special Conditions would be continued for the 2012 – 2013 and succeeding License Terms unless and until relaxed or eliminated at a subsequent renewal hearing after providing an opportunity for the Licensee to be heard; and

WHEREAS, by letter dated and sent via regular and certified mail to the Licensee on **May 17, 2019**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Conditions upon renewal for the **2019-2020** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the underlying reasons for the Special Conditions previously imposed on this License have not changed and the Licensee has offered no objection to their continuation, nor any request for their relaxation, and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Orange serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License # 0722-33-039-008, for the **2019-2020** License Term, for Angelitos, LLC, t/a El Palacio DePollo, for the premises at 540 Valley Road, West Orange, New Jersey, subject to continuation of the following Special Conditions pursuant to *N.J.S.A. 33:1-32*:

- A. The Licensee shall have last call Sunday, Monday, Tuesday, Wednesday and Thursday at 12:00 a.m. of the following morning, and shall close for business at 12:30 a.m. of the following morning;
- B. The Licensee shall have last call on Friday and Saturday at 12:30 a.m. of the following morning, and shall close for business at 1:00 a.m. of the following morning;
- C. A fully operational video surveillance security system must be in place at the licensed premises including cameras, digital video recording device, personnel to operate them and deployment of each to ensure that the premises, personnel and exterior areas are being videotaped at all times, which videotape must be available to the Police Department, State ABC and any other governmental entity. The Licensee agrees to update, replace, and/or implement any computer system, including monitors, keyboards, towers, and mouses, hardware, including a digital recording device, software, or other improvements or upgrades as may be needed to ensure compliance with the specific mandate set forth herein, the intent of which is to ensure that in the event of any incident on or around the premises that an actual real time videotape exists of the events which occurred without the ability of anyone, accidentally or purposely, to delete or alter the videotape.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant approval to the Township of West Orange of the Special Conditions set forth herein, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange serving as the West Orange Township Board of Alcoholic Beverage Control at their regular meeting held on **June 11, 2019**.

Karen J. Carnevale, R.M.C., Municipal Clerk
and Secretary to the ABC Board

Jerry Guarino, Council President and
ABC Board Chairman

Adopted: June 11, 2019

Approved as to form on the basis of the facts provided:

Karen J. Carnevale, R.M.C., Municipal Clerk

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
BOARD OF ALCOHOLIC BEVERAGE CONTROL**

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, the 1920's Road House, Inc., t/a Essex House, Inc., ("the Licensee") is the owner and operator of the Essex House, a restaurant and bar located at 525 Northfield Avenue, West Orange, New Jersey, 07052, the License bearing #0722-33-071-003; and

WHEREAS, an Application has been filed by the Licensee for the renewal of its Plenary Retail Consumption License #0722-33-071-003, for the License Term from **July 1, 2019, through June 30, 2020**; and

WHEREAS, on February 21, 2012, the Township of West Orange brought a Notice of Charges of ABC Violations against the Licensee, charging violations of N.J.A.C. 13:2-23.6(a)(2), prohibition against immoral activities, disturbance, and nuisance on or about the licensed premises (one count - brawl, act of violence, disturbance, or unnecessary noise), and N.J.A.C. 13:2-23.6(b), prohibition against immoral activities, disturbance, and nuisance (one count - failing to operate licensee's business in orderly and lawful fashion so as to constitute a nuisance, the misconduct of the licensee, its employees and patrons creating conditions contrary to the public health, safety and welfare), all occurring over the course of 2010 to the present, and most recently on February 10, 2012; and

WHEREAS, the Licensee was properly and personally served with that Notice of Charges and by and through its attorney, Robert C. Williams, Esq., entered a Not Guilty plea to each charge with the Municipal Clerk; and

WHEREAS, the Licensee appeared before the Township Council of the Township of West Orange, serving as that municipality's ABC Board, the Licensee represented by its counsel, Robert C. Williams, Esq., and Kenneth W. Kayser, Esq., appearing on behalf of the Township as its ABC Prosecutor, for a hearing on the charges; and

WHEREAS, discussion and negotiation resulted in the Licensee and the Township, coming to an agreement to resolve the charges without the need for an evidentiary hearing, which agreement, memorialized by Resolution, was placed on the record before the ABC Board, providing as follows:

As to Charge 2, a violation of N.J.A.C. 13:2-23.6(b), prohibition against immoral activities, disturbance, and nuisance on premises, to wit, failing to operate licensee's business in orderly and lawful fashion so as to constitute a nuisance, the misconduct of the licensee, its employees and patrons creating conditions contrary to the public health, safety and welfare, the Licensee shall change its plea from not guilty to non-vult;

As to Charge 1, charging a violation of N.J.A.C. 13:2-23.6(a)(2), prohibition against immoral activities, disturbance, and nuisance on or about the licensed premises, to wit, permitting a brawl, act of violence, disturbance, or unnecessary noise on the licensed premises, said Charge is and hereby is dismissed;

As to Charge 2, the Licensee's License shall be suspended for ten (10) days, and said period of suspension shall be held in abeyance for a period of one (1) year from the date of the adoption of this Resolution, April 3, 2012, and if within that one (1) year period there occurs a new violation of any section of N.J.A.C. 13:2-23.6, for which there is a finding of responsibility, whether made within or after that one (1) year period, and there being no waiver of the Licensee's right to defend such a charge, the ten (10) days held in abeyance as to Charge 2 shall be served at the direction of the ABC Board in addition to any penalty imposed on the new charge(s);

Further as to Charge 2, the Licensee shall agree to the attachment to its License of a Special Condition that it shall have no parties or party-type events which are open to the public and promoted through social networking, or other internet sites, or otherwise promoted or advertised, and intended to attract a large number of attendees who pay for admission, whether to a promoter, or to the Licensee, or someone working for either or both;

Further as to Charge 2, the Licensee shall agree to the attachment to its License of a Special Condition that whenever a private party, or other private event is held at the licensed premises, which is anticipated to result in the parking lot at the premises filling to 75% of capacity, or more, at least two parking attendants shall be employed to monitor and manage ingress to and egress from the lot so as to maintain order and to prevent patrons from parking on the adjacent and nearby residential streets and off-street parking locations;

Further as to Charge 2, the Licensee shall agree to the attachment of its License of a Special Condition that entertainment at the licensed premises involving amplified music shall not be permitted after 11:00 p.m., on Sundays through Thursdays, and shall not be permitted after 1:00 a.m., on Saturday and Sunday mornings, excepting an event already committed to for Saturday, June 23, 2012, a party consisting of an older group of patrons who have previously had parties at the Licensee's location without incident and at which amplified music may be played until 1:30 a.m.;

During the period of suspension, if and when served, no alcoholic beverages shall be served or consumed on the premises and any and all alcoholic beverages on the premises shall be secured; and

WHEREAS, Special Conditions such as those agreed to may be re-imposed with each License renewal, subject to the Licensee's right to be heard with respect to them; and

WHEREAS, the Licensee, by and through its counsel, was notified by certified mail, return receipt requested, of the ABC Board's intention to continue the same Special Conditions for the 2012 to 2013 License Term, and for each succeeding License Term, and was provided with an opportunity to object and be heard with respect to the Special Conditions being imposed, and declined to object or to request a hearing; and

WHEREAS, the Licensee was again notified by letter dated and sent by certified mail, registered return receipt on or about **May 17, 2019**, of the ABC Board's intention to impose the same Special Conditions upon renewal of the license for the next License Term and providing the opportunity for a formal hearing regarding such imposition of Special Conditions upon request; and

WHEREAS, the Licensee has offered no objection and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal for the next License Term;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License 0722-33-071-003, belonging to the Licensee, for the period from **July 1, 2019 through June 30, 2020**, for the premises located at 525 Northfield Avenue, West Orange, New Jersey, subject to the following Special Conditions pursuant to *N.J.S.A. 33:1-32*:

1. It shall have no parties or party-type events which are open to the public and promoted through social networking, or other internet sites, or otherwise promoted or advertised, and intended to attract a large number of attendees who pay for admission, whether to a promoter, or to the Licensee, or someone working for either or both;

2. Whenever a private party, or other private event is held at the licensed premises, which is anticipated to result in the parking lot at the premises filling to 75% of capacity, or more, at least two parking attendants shall be employed to monitor and manage ingress to and egress from the lot so as to maintain order and to prevent patrons from parking on the adjacent and nearby residential streets and off-street parking locations;

3. Entertainment at the licensed premises involving amplified music shall not be permitted after 11:00 p.m., on Sundays through Thursdays, and shall not be permitted after 1:00 a.m., on Saturday and Sunday mornings;

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey, the Licensee and Licensee's attorney, Robert C. Williams, Esq., the Municipal Clerk's Office and the West Orange Police Department, and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Conditions as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records.

The above Resolution was passed by Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 11, 2019**.

Jerry Guarino, Council President
and ABC Board Chairman

Karen J. Carnevale, Municipal Clerk
and Secretary to the ABC Board

Adopted: June 11, 2019

Approved as to form on the basis of the facts provided:

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
BOARD OF ALCOHOLIC BEVERAGE CONTROL**

WHEREAS, SUZYQUE’S LLC, t/a Suzy Que’s, located at 34 South Valley Road, West Orange, New Jersey, 07052, is the holder of Plenary Retail Consumption License No. 0722-33-009-012; and

WHEREAS, an Application has been filed by SUZYQUE’S LLC, t/a Suzy Que’s for renewal of its Plenary Retail Consumption License # 0722-33-009-012, for the period **July 1, 2019 through June 30, 2020**, the Application submitted to the Township Clerk and in compliance with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, Suzy Que’s had made application for an Extension of Licensed Premise to add an outdoor food and beverage service area at the rear of the current location and to accomplish that Extension applied for a Place to Place transfer of the abovementioned license; and

WHEREAS, a public hearing was conducted at the regular West Orange Township ABC Board meeting on June 12, 2012, no one appeared in opposition and the Police Department’s investigation did not raise any concerns, the Department approving of the transfer; and

WHEREAS, the Applicant and the Attorney for the applicant, Robert C. Williams, Esq., were present and responded to questions from the Council; and

WHEREAS, the Council expressed concern about creation of excess noise due to amplified music in or about the vicinity of the expansion, the proposed outdoor patio area where dining and alcoholic beverage service would be available, and to address that concern the Board would approve the expansion of licensed premises and place to place transfer only if subject to the Special Condition that there will be no amplified outside music after 10:00 p.m.; and

WHEREAS, the Township Council of the Township of West Orange, sitting as the West Orange Township ABC Board, approved of the Extension of Licensed Premise and Place to Place transfer of License No. 0722-33-009-012, held by SUZYQUE'S LLC t/a SuzyQue's, Licensee, located at 34 South Valley Road, West Orange, New Jersey 07052, subject to the Special Condition pursuant to *N.J.S.A. 33:1-32*, that no amplified outside music shall be permitted after 10:00 p.m., all as evidenced and set forth in Resolution #483-12, adopted on June 12, 2012; and

WHEREAS, on June 12, 2012, the Township Council of the Township of West Orange, Sitting as the West Orange Township ABC Board, approved the renewal of the Plenary Retail Consumption License No. 0722-33-009-012, held by SUZYQUE'S LLC t/a SuzyQue's, Licensee, located at 34 South Valley Road, West Orange, New Jersey 07052, for the License Term July 1, 2012 to June 30, 2013, subject to the Special Condition pursuant to *N.J.S.A. 33:1-32* that no amplified outside music shall be permitted after 10:00 p.m., there being no objection on the part of the Licensee to such Special Condition, and the same Special Condition having been deemed necessary and appropriate by the ABC Board, and having been consented by the Licensee in the succeeding License terms to date; and

WHEREAS, by letter dated and sent via certified mail, registered return receipt to the Licensee on **May 17, 2019** the Licensee was notified of the Township ABC Board's intention to continue the same Special Conditions upon renewal for the **2019-2020** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the Licensee has offered no objection and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal;

NOW THEREFORE BE IT, AND IT HEREBY IS, RESOLVED, by the Township Council of the Township of West Orange, sitting as the West Orange Township ABC Board, hereby approves of the renewal of the Plenary Retail Consumption License No. 0722-33-009-012, held by SUZYQUE'S LLC t/a SuzyQue's, Licensee, located at 34 South Valley Road, West

Orange, New Jersey 07052, for the License Term **July 1, 2019 to June 30, 2020**, subject to the Special Condition pursuant to *N.J.S.A. 33:1-32*, that no amplified outside music shall be permitted after 10:00 p.m., there being no objection on the part of the Licensee to such Special Condition.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Conditions as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange sitting and serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 11, 2019**.

Jerry Guarino, Council President
and ABC Board Chairman

Karen J. Carnevale, Municipal Clerk
and Secretary to the ABC Board

Adopted: June 11, 2019