

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
MINUTES  
October 10, 2012**

The Township of West Orange Planning Board held a regular meeting on October 10, 2012 at 8:00 P.M., in Council Chambers, 66 Main Street.

Chairman Bagoff called the meeting to order at approximately 8:35 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle and posted on the Township Bulletin Board on January 4, 2012 in accordance with the requirements of the "Open Public Meetings Act".

Chairman Bagoff requested all persons in attendance stand for the Pledge of Allegiance.

**PRESENT:** Chairman Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Lee Klein, Councilwoman Susan McCartney, Ron Weston

**ABSENT:** Vice Chairman Ben Heller, Jason Lester, William Wilkes II

**ALSO PRESENT:** Paul Grygiel, AICP, PP, Acting Township Planner  
Eric Keller, P.E., P.P., Omland Engineering Associates, Inc.  
Patrick Dwyer, Esq., Board Attorney  
Robin Miller, Board Secretary  
Debbie Dillon Audio Transcription Service, LLC

**ROLL CALL**

Chairman Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Vice Chairman Ben Heller, Lee Klein, Jason Lester, Councilwoman Susan McCartney, Ron Weston, William Wilkes.

**ADOPT MINUTES**

**DISCUSSION**

There was discussion regarding whether individual name rather than "the Board" should identify Board members. Mr. Dwyer advised the Board that there was no legal requirement for minutes to reflect individual members be identified when posing questions. Chairman Bagoff requested Mr. Eben and Mr. Gurland create a subcommittee to review the rules governing minutes.

The Board voted on adopting the minutes of the September 5, 2012 meeting as follows:

**Motion:** Chairman Bagoff

**Second:** Ms. Carlucci

Carlucci	Y	Eben	N	Ghebremicael	-
Gurland	N	Heller	-	Klein	Y
Lester	-	McCartney	Y	Weston	Y
Wilkes	-	Bagoff	Y		

The Board voted on adopting the minutes of the September 6, 2012 special meeting as follows:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

Carlucci	Y	Eben	N	Ghebremicael	-
Gurland	-	Heller	-	Klein	Y
Lester	-	McCartney	Y	Weston	Y
Wilkes	-	Bagoff	Y		

### ANNOUNCEMENTS

A special Planning Board meeting will be held on **October 24, 2012** in Council Chambers, at 7:30 P.M.

The next regular Planning Board meeting will be held on **November 7, 2012** in Council Chambers, at 8:00 P.M.

### SWEARING IN

Paul Grygiel, AICP, PP, Phillips Preiss Grygiel LLC, was introduced as Acting Township Planner.

Eric L. Keller, PE, PP, Omland Engineering, was introduced as a professional planner and professional engineer hired by the Township.

### RESOLUTION(S)

#### **PB-12-09/Prism Green Urban Renewal Associates IV, LLC**

Block: 66; Lots: 1, 5 & 7; Zone: E-MU

175-177 Main Street

Amended Preliminary and Final Major Site Plan.

### DISCUSSION

The Board and Mr. Dwyer discussed minor changes to the phraseology of the Resolution.

Chairman Bagoff addressed the members of the public regarding the process of memorializing a Planning Board resolution.

Chairman Bagoff called for a vote on the Resolution.

The Board voted on the Resolution as follows:

Motion: Mr. Weston

Second: Mr. Eben

Carlucci	Y	Eben	Y	Ghebremicael	-
Gurland	Y	Heller	-	Klein	Y
Lester	-	McCartney	Y	Weston	Y
Wilkes	-	Bagoff	Y		

**PB-12-11/Communication Infrastructure Corp.**

Block: 84.01; Lot: 22; Zone: B-2

10 Marcella Avenue

Amended Site Plan and Conditional Use Application for communications antenna.

**DISCUSSION**

Chairman Bagoff gave a brief recapitulation of the Application approved at the September 6, 2012 special meeting.

Chairman Bagoff called for a vote on the Resolution.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Ms. Carlucci

Carlucci	Y	Eben	Y	Ghebremicael	-
Gurland	-	Heller	-	Klein	Y
Lester	-	McCartney	Y	Weston	Y
Wilkes	-	Bagoff	Y		

**PB-12-16/iSignal LLC**

Block: 84.01; Lot: 22; Zone: B-2

10 Marcella Avenue

Amended Site Plan and Conditional Use Application for communications antenna.

**DISCUSSION**

Chairman Bagoff gave a brief recapitulation of the Application approved at the September 6, 2012 special meeting.

Chairman Bagoff called for a vote on the Resolution.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Mr. Weston

Carlucci	Y	Eben	Y	Ghebremicael	-
Gurland	-	Heller	-	Klein	Y
Lester	-	McCartney	Y	Weston	Y
Wilkes	-	Bagoff	Y		

**PB-12-18/Daughters of Israel Geriatric Services, Inc.**

Block: 165; Lot: 16; Zone: R-2

748-750 Northfield Avenue

Amended Site Plan

**DISCUSSION**

Chairman Bagoff gave a brief recapitulation of the Application approved at the September 6, 2012 special meeting.

Chairman Bagoff called for a vote on the Resolution.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

Carlucci	Y	Eben	Y	Ghebremicael	Y
Gurland	-	Heller	-	Klein	Y
Lester	-	McCartney	Y	Weston	Y
Wilkes	-	Bagoff	Y		

**PB-12-23T/375 Mt. Pleasant Avenue, LLC**

Block: 155; Lots: 26; Zone: O-RA

375 Mt. Pleasant Avenue

Technical Site Plan for interior renovations to existing office space for outpatient renal dialysis center.

**DISCUSSION**

Chairman Bagoff gave a brief recapitulation of the Application approved by the Planning Board Technical Review Subcommittee at the September 13, 2012 meeting.

Mr. Keller asked that a minor clarification to condition "b" read, "Replace sidewalk to existing joint so that the new sidewalk elements run from joint to joint."

Chairman Bagoff called for a vote on the Resolution.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Ms. Carlucci

Carlucci	Y	Eben	Y	Ghebremicael	Y
Gurland	Y	Heller	-	Klein	Y
Lester	-	McCartney	Y	Weston	Y
Wilkes	-	Bagoff	Y		

**PB-12-25T/Fred Thompson d/b/a 2<sup>nd</sup> Round Thrift Shop**

Block: 120.01; Lot: 24; Zone: B-1

1 Washington Street

Technical Site Plan to lease space for a retail thrift store.

**DISCUSSION**

Chairman Bagoff gave a brief recapitulation of the Application approved by the Planning Board Technical Review Subcommittee at the September 13, 2012 meeting.

The Board discussed the Applicant's signage. Chairman Bagoff requested the Zoning Official be notified to review final signage to ensure it was not in violation of ordinance.

Chairman Bagoff called for a vote on the Resolution.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

Carlucci	Y	Eben	N	Ghebremicael	Y
Gurland	Y	Heller	-	Klein	Y
Lester	-	McCartney	Y	Weston	Y
Wilkes	-	Bagoff	Y		

Chairman Bagoff announced a brief recess at approximately 9:15 P.M.; he re-convened the meeting at approximately 9:25 P.M.

## **APPLICATION(S)**

### **PB-12-19/Moskovitz Family LP t/a Pleasantdale Plaza**

Block: 152.22; Lot(s): 1420, 1420.03; Zone: B-1

Preliminary and final amended site plan with "C" variances for improvements to an existing building with on-site parking.

## **EXHIBITS**

- A-1 – Sheets SD-1 through Pages SD-7 --Proposed alterations to existing retail building as part of the Applicant's submission package;
- A-2 – Colorized version of the Landscape and Lighting Plan (Sheet SD-5);
- A-3 – Colorized version of twelve (12) existing conditions photograph (Sheet PH-1);
- A-4 – Colorized version of proposed elevations (Sheet PB-4);
- A-5 – Existing Floor Plan (Sheet PB-1);
- A-6 – Existing Elevations (Sheet PB-2);
- A-7 – Proposed Floor Plan (Sheet PB-3).

## **DISCUSSION**

Mr. Robert C. Williams, Esq., attorney for the Applicant appeared before the Board. Mr. Williams introduced the Application; the Applicant was seeking preliminary and final amended site plan approval with variances for parking, impervious coverage, and exceptions to height limitations for decorative towers. The site was in the B-1 Zone. The Applicant proposed to re-align interior tenant space with improvements to the building and parking area.

Mr. Williams introduced Richard J. Adelsohn, P.E., Frank H. Lehr Associates. Mr. Adelsohn stated his credentials; and was accepted by the Board to be an expert in the field of engineering. Mr. Adelsohn testified regarding the proposed changes to the existing building located at 641-649 Eagle Rock Avenue. Mr. Adelsohn identified the building; he said the location included the Walter Bauman store, which was approximately 8,000 square feet. Mr. Adelsohn said that the Applicant also owned the building at 440 Pleasant Valley Way, the site of a Dunkin Donuts store, which shared parking with 641-649 Eagle Rock Avenue. Mr. Adelsohn said the renovations to the site included re-grading the parking lot to make it more handicapped accessible; adding new green space, and upgrading the lighting in the parking area by adding three (3) new poles and lighting on the rear exterior of the building. Mr. Adelsohn said the site plans indicated there were currently 128 parking spaces; however, the correct number of existing spaces was 125 parking spaces. Referring to Exhibit A-2, Mr. Adelsohn described the improvements to the parking area; he stated there would be increased safety for pedestrians and a new handicapped parking area; and although there would be a slight decrease in parking spaces, there would be a gain in green space. Mr. Adelsohn detailed the corner improvements to the rear of the building and detailed the proposed security lighting on the rear of the building.

The Board and Mr. Adelsohn discussed the lighting and landscaping plan. The Board voiced concern that some of the proposed plantings might affect vehicular and pedestrian vision. Mr. Keller agreed that some plantings might not be appropriate; Mr. Adelsohn said he would take the Board's concerns in to advisement when submitting the final plans. There was further discussion regarding signage, traffic flow and revisions to the parking lot. The Board asked if there was currently mechanical equipment on the roof and if additional equipment would be installed. Mr. Adelsohn said there was currently equipment on the roof; he was not sure what would be replaced, but that all units would be set back.

The Public Advocate was not present to question the testimony of Mr. Adelsohn.

The Public had no questions for Mr. Adelsohn.

Stephen W. Schwartz, AIA, was sworn in and accepted by the Board to be an expert in architecture. Mr. Schwartz testified the building at 641-649 had classic strip-mall architecture; the front was finished with a brick façade but the back of the building was unfinished. Referring to Exhibit A-5, (Existing Floor Plan), he described the building as the well-known site of Walter Bauman Jeweler, and at its western point the location of a former yoga studio. Mr. Schwartz advised the Board that the building sat on a slope, the highest area being closer to Pleasant Valley Way. Mr. Schwartz described Exhibit A-7, (Proposed Floor Plan), which indicated the Walter Bauman store would move to the western point and a new Regal Bank would be located at the former location of Sweet Basil Restaurant; thus creating anchor businesses. The remaining current tenants included a Barber Shop and Yoshi-Sono Restaurant; the other vacant spaces would be finished for potential tenants. The proposed plan included upgrades for handicapped accessibility. Referring to Exhibit A-4, (Colorized Proposed Elevations), Mr. Schwartz detailed the proposed changes to the exterior façade including ornamental towers that would have a translucent feature and interior illumination; the western tower would have a clock-face; the towers would have a stone façade feature. All windows facing Eagle Rock Avenue would have new aluminum framing and energy efficient glass. A new brick façade would cover the front and back of the building to create a uniform look. A new double-door with glass windows would be added to the rear elevation creating a real sense of entry. Adjacent to the rear of the building would be a new sidewalk, and there would be new awnings installed to the rear store entrances.

The Board and Mr. Schwartz discussed the exterior basement stairs to the far west of the building. Mr. Schwartz said the exterior stairway would be upgraded; the existing enclosure would be removed and a new railing would be installed. The Board inquired as to whether the roof color could be a light color to reduce the heat island effect; Mr. Schwartz said he would consider a lighter color for the roof. There was discussion regarding signage details; Mr. Schwartz said the signage would be approximately five (5) ft. in height, eight (8) ft. in width and would be probably be LED illuminated.

The Public Advocate was not present to question the testimony of Mr. Schwartz.

The Public had no questions for Mr. Schwartz.

Peter G. Steck, P.P., was sworn in and accepted by the Board to be an expert witness in planning. Mr. Steck advised the Board he had prepared a memorandum dated September 29, 2012; he gave the Board a recapitulation of the memo. Mr. Steck described the existing conditions; the property consisted of two lots that operated as one development. Mr. Steck told the Board the Applicant was proposing to redesign the parking area by shifting a row of parking to accommodate a new sidewalk adjacent to the rear of the building and adding new green-space. The redesign of the parking lot would be more inviting to pedestrians. The proposed architectural improvements to the storefronts and accent towers would create a good-looking, operating building. Mr. Steck said the towers would not add to the square footage of the structure, they were ornamental only. The proposed tower on the westerly side would have a clock-face; the proposed parapet would be approximately 15 feet, resulting in a building height of thirty-three (33) feet; the easterly tower will rise approximately thirteen (13) feet, resulting in building height of approximately 25 feet at that location. Mr. Steck said the proposed towers would not increase the total building height to over thirty-five feet; additionally the towers were purely ornamental; a height variance was not necessary. Mr. Steck spoke about the requested variance for impervious coverage ("C1"); he said although the impervious coverage was being reduced, it was not being reduced enough to comply with the maximum requirement of 75%. With regard to the parking variance, Mr. Steck said the reduction of one space was minor; he reiterated there would be an increase in green-space.

The Board and Mr. Steck discussed the requested variances.

The Public Advocate was not present to question the testimony of Mr. Steck.

The Public had no questions for Mr. Steck.

The Board deliberated on the Application.

Conditions:

1. The Applicant shall comply with all applicable Township, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. Without limitation of the foregoing, prior to the signing of the approved site plans, and prior to the commencement of any land disturbance or construction, the Applicant shall submit to this Board, with a copy to the Board Engineer, proof that it has obtained all required governmental approvals.
2. If another governmental entity or agency grants a waiver or variance affecting the plans and/or exhibits submitted by the Applicant, this approval or the conditions attached to it, then the Applicant shall re-apply to this Board respecting the same and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.
3. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), or in the event Applicant or its successors or assigns construct or attempt to construct any improvement in conflict with or in violation of the terms of this approval, the Board hereby reserves the right to withdraw, amend or supplant the instant approval.
4. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this resolution.
5. The Applicant shall pay all outstanding taxes, tax liens, application fees and technical review fees, as well as any inspection fees that may be required hereunder. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.
6. All notes included in the approved plans, including notes required by this Resolution, shall be deemed conditions of approval having the same force and effect as conditions expressly set forth in this Resolution.
7. Applicant shall use a light-colored roofing material, which shall be subject to the review and approval of the Board Engineer.
8. Applicant to install a "Do Not Enter" sign facing east at the eastern end of the parking aisle closest to the building so that traffic in the two way driveway to Eagle Rock Avenue is aware of this limitation.

9. The type of landscaping/trees to be planted in the green space in the parking lot shall be subject to the review and approval of the Board Engineer and Planner.

Chairman Bagoff called for a vote on the Application.

The Board voted on the Application as follows:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

Carlucci	Y	Eben	Y	Ghebremicael	Y
Gurland	Y	Heller	-	Klein	Y
Lester	-	McCartney	Y	Weston	Y
Wilkes	-	Bagoff	Y		

At approximately 10:22 P.M. Chairman Bagoff announced that Mr. Grygiel was recused from the next Application, PB-12-12/Forsons Partners, LLC on behalf of 7-Eleven Inc.; Mr. Keller would be acting as Planner and Engineer for the Township.

**PB-12-12/Forsons Partners, LLC on behalf of 7-Eleven, Inc.**

Block: 172.02; Lot: 8.01; Zone: B-2

955 Pleasant Valley Way

Preliminary and final site plan with bulk variances and soil removal permit for a retail convenience store.

**EXHIBITS**

A-1 – Affidavit of Public Notice;

A-2 – Site Plans;

A-3 – Neglia Engineering Associates response letter dated August 24, 2012;

A-4 – Environmental Status from Envirotrac dated July 31, 2012;

A-5 – Title Commitment dated November 8, 2011;

A-6 – Neglia Engineering Associates Planning Report dated June 18, 2012;

A-7 – Neglia Engineering Associates Traffic Report dated June 19, 2012;

A-8 – Neglia Engineering Associates Drainage Report dated June 18, 2012;

A-9 – Neglia Engineering Associates Environmental Impact Statement dated June 18, 2012;

A-10 – Harrison French & Associates Exterior Elevations dated June 19, 2012;

A-11 – Harrison French & Associates Floor Plan dated June 19, 2012;

A-12 – Aerial Site Plan Exhibit;

A-13 – Colorized Site/Landscape Plan;

A-14 – Truck Template Plan

**DISCUSSION**

Antimo A. Del Vecchio, Esq. Beattie Padovano, LLC, attorney representing the Applicant, 7-Eleven appeared before the Board. Mr. Del Vecchio advised the Board that the Application was for property located at 955 Pleasant Valley Way; he said the plans were similar in design to the plan formerly presented to the Board in April 2012 for a site located the other side of the Township, (516 Valley Road). Mr. Del Vecchio said the Pleasant Valley Way site was a little constrained because of the steep slope. The Applicant was proposing a twenty-four hour, seven days a week operation that would provide a benefit and convenience to the area.

Gregory J. Polyniak, P.E., P.P., Neglia Engineering Associates, was sworn in and accepted by the Board to be an expert witness in engineering and planning. Mr. Polyniak told the Board he had visited

the site. Referring to Exhibit A-12, (Aerial Site Plan), Mr. Polyniak gave a brief overview of the site. Mr. Polyniak said the plan would maintain a seventy-five (75) feet buffer to residents located to the north and west of the property. The building would be set back on the property; the parking lot would accommodate nineteen (19) parking spaces with three (3) spaces for employees; a new walkway for pedestrians would be installed; and there would be a trash enclosure area on the northern side of the property. Asked by Mr. Del Vecchio about the existing building to the south of the property, Mr. Polyniak said the existing building created a visibility problem; however, the site would enjoy curb cuts to the north, center and west of the property. Mr. Polyniak said locating a building at the proposed site called for creative engineering. The grade from Pleasant Valley way to the property line was a fairly flat slope; going west there was a steep slope with overgrown brush. The proposed plan would create a slight disturbance to the rear of the property; there would be a drop-off of approximately thirty (30) feet. Part of the structure would be built in to the grade; the trench drain to the rear of the property would be re-routed. At the north end of the site, the dumpster would be compliant with code; however, the loading area would not meet size requirements, thus triggering a loading variance. Mr. Polyniak said the loading area would be located in the most optimal area so as not to disturb slope.

Referring to Exhibit A-14 (Truck Template Plan), Mr. Polyniak discussed the type of vehicles to be used for deliveries and delivery times. Mr. Polyniak commented on Mr. Keller's memo dated August 13, 2012 regarding width of drive isle along the front of the building. Mr. Keller noted that a twenty-four (24) feet drive isle was required; Mr. Polyniak said that to accommodate truck loading circulation through the site, a twenty-six (26) feet drive isle would be necessary.

Mr. Polyniak discussed the lot coverage, location of parking spaces and walkway. The parking would be located along the front of the building; there would be a six (6) feet walkway. There was further testimony regarding monument signage to be located at the center of the property, and the directional signage.

Mr. Polyniak testified that the plan for the storm- water drainage system would meet all required New Jersey standards.

Chairman Bagoff announced that due to the lateness of the hour, the Application would be carried to the next Planning Board meeting. Mr. Del Vecchio agreed to a continuance to the October 24, 2012 Special Meeting.

MEETING ADJOURNED at approximately 11:07 P.M.

Minutes adopted October 24, 2012



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Robin Miller, Planning Board Secretary

**\*\*THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE  
NOVEMBER 7, 2012 AT 8:00 P.M. IN COUNCIL CHAMBERS \*\***