

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
SPECIAL MEETING MINUTES
October 24, 2012**

The Township of West Orange Planning Board held a special meeting on October 24, 2012 at 7:30 P.M., in Council Chambers, 66 Main Street.

Chairman Bagoff called the meeting to order at approximately 7:30 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 September 28, 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, Gerald Gurland, Vice Chairman Ben Heller, Lee Klein, Councilwoman Susan McCartney, William Wilkes II*
(*Approximately 7:56 P.M.)

ABSENT: Tekeste Ghebremicael, Jason Lester, Ron Weston

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

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

Adopt the minutes of the October 10, 2012 Planning Board meeting.

The Board voted on adopting the minutes of the October 10, 2012 meeting as follows:

Motion: Chairman Bagoff

Second: Mr. Eben

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

ADOPT MEETING DATES

Adopt 2013 Planning Board meeting dates.

DISCUSSION

The Board tabled adopting the 2013 Planning Board meeting dates until the November 7, 2012 meeting.

ANNOUNCEMENTS

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, Acting Township Planner.

Eric L. Keller, PE, PP, Omland Engineering, Planning and Engineering consultant engaged by the Township.

RESOLUTION(S)

PB-12-26T/449 West Orange, LLC

Block(s): 157; Lot(s): 8.01, 8.05; Zone: B-2

449 Mt. Pleasant Avenue

Technical Site Plan for architectural changes to medical offices.

DISCUSSION

Chairman Bagoff gave a brief description of the Application. The original Application for Technical Site Plan for medical offices was approved in March 2012; the current Application was a Technical Site Plan for architectural changes to the original plan, which included re-locating the elevator. The Technical Review Subcommittee approved the current Application on September 25, 2012 with the following conditions:

1. Amended Plan shall be provided to show galvanized steel edging and all metal materials to match.
2. Roof shingles shall be installed to reduce Heat Island Effect.
3. All windows shall be replaced with low "E" glass.
4. Amended Plan shall include a detailed landscaping plan including 3' to 5' shrubs at the base of the metal elevator shaft.
5. Amended Plan shall show proposed signage details; signage to be approved by Planning Director or Zoning Official.
6. Basement shall be used for storage only.
7. No medical procedures shall be performed on the premises.
8. The height of the elevator shaft shall not exceed ten feet (10') over existing building height.
9. Applicant shall submit a permit package to the Building Department to secure all necessary building permits.

10. Applicant shall execute, prior to issuance of Certificate of Occupancy, an Affidavit of Compliance certifying that all conditions have been met, as set forth within.

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

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

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

641-649 Eagle Rock Avenue/440 Pleasant Valley Way

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

DISCUSSION

Chairman Bagoff gave a brief recapitulation of the Application approved at the October 10, 2012 meeting.

Mr. Dwyer told the Board there were minor changes to the wording in the Resolution; he listed all changes.

Chairman Bagoff called for a vote on the Resolution.

There was discussion by the Board regarding the proposed signage and the proposed driveway configuration.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

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

APPLICATION(S)

PB-12-22/Converge Towers, LLC

Block(s): 84.01; Lot(s): 22; Zone: B-2

10 Marcella Avenue

Conditional Use Site Plan to install two antennas on an existing telecommunications tower.

EXHIBITS

A-1 – Board of photo simulations (11 photos total) depicting proposed antennas on existing tower located at 10 Marcella Avenue.

A-2 – Board showing two photo views from site looking at neighboring site; southerly direction.

DISCUSSION

Richard S. Schkolnick, Esq., attorney for Applicant, appeared before the Board. Mr. Schkolnick advised the Board the Application was for an Amended Site Plan to install two antennas to an existing tower structure; the Applicant was asking for “c” variance relief for side-yard setback due to lack of space for appurtenant equipment inside an existing structure adjacent to the tower. The equipment would be located on an existing concrete pad measuring approximately sixty square feet; located on the property adjacent to the structure.

Mr. Schkolnick introduced the Applicant’s Planner, David Karlebach, PP, PC. Mr. Karlebach was sworn in and accepted to be an expert in planning. Referring to Exhibit A-1, Mr. Karlebach advised the Board that although he did not prepare the Exhibit, he believed the photo simulations were accurate; he said the majority of the antennas depicted on the simulation had been approved, but had not yet been installed. Mr. Karlebach confirmed the number and height of the proposed antennas, one to be located at a height of 100 feet, the other at a height of 145 feet. Mr. Karlebach stated he had read and agreed with Mr. Grygiel’s report dated October 16, 2012; he said the Applicant’s engineer was present to testify regarding the soundness of the tower structure. Referring to Exhibit A-2, Mr. Karlebach described the existing conditions of the property; he testified to the proposed location and size of the appurtenant equipment. Mr. Karlebach stated that placing the equipment on the existing concrete pad was logical and would not be a detriment to the existing area. The equipment was described as cabinets approximately the size of a small refrigerator. The routing of the cabling would not be visible from the street; they would be located along the façade of the existing building structure.

Mr. Schkolnick advised the Board that changes to the plan had been incorporated, per Mr. Keller’s memorandum dated October 15, 2012. Mr. Keller stated that the photo simulations gave the Board a clear depiction of the site with the proposed antennas, including those already approved but not yet installed.

The Board asked Mr. Karlebach for details regarding the existing elevations depicted in Exhibit A-1, and for clarification regarding which of the proposed antennas in the simulation were those of the Applicant. There was discussion regarding the existing conditions of the property including sidewalks, the presence of construction equipment on-site; the condition of the concrete pad; and whether any in-active equipment was currently on the structure.

Mr. Grygiel and Mr. Keller advised the Board that the Applicant had satisfied all comments pursuant

to their respective memorandums. Mr. Keller said that the American Tower Engineering Services Structural Analysis report dated August 27, 2012 confirmed that the tower was structurally sound and could support the proposed antennas.

The Board acknowledged the Antenna Site RF Compliance Assessment and Report prepared by Pinnacle Telecom Group dated October 9, 2012 (revised); original report dated June 28, 2012. Mr. Schkolnick stated the Applicant would be compliant with all Federal Communications Commission (FCC) radiofrequency standards.

Mr. Dwyer advised the Board that the Applicant did provide documentation proving compliance. The Board determined that testimony from the Applicant's civil or structural engineers would not be heard.

There were no questions or comments from the Public Advocate or the Public.

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 to provide evidence of the ownership of the site and Applicant's authority to prosecute this application.

The Board voted on the Application as follows:

Motion: Chairman Bagoff

Second: Vice Chairman Heller

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

PB-12-24/Metro Networks Services c/o Lemanowicz LLP

Block(s): 84.01; Lot(s): 22.01; Zone: B-2

12 Marcella Avenue

Conditional Use Site Plan to install two (2) antenna dishes on an existing tower.

EXHIBITS

- A-1 Copy of the Applicant's application to the West Orange Zoning Board of Adjustment for the subject property submitted on May 31, 2012;
- A-2 Copy of a Letter of Authorization from the Property Owner to Applicant;
- A-3 Copy of Letter of Authorization from the Tower Owner to Applicant;
- A-4 Copy of the Structural Analysis and Report prepared by Peter E. Papay last revised July 11, 2012;
- A-5 Copy of the Applicant's Federal Communications Commission Radio Station Authorization;
- A-6 Copy of an Electromagnetic Frequency Report prepared by Kenneth R. Foster, Ph.D., PE with a latest revision date of June 25, 2012;
- A-7 Copy of a Path Loss Report for the site with a last revision date of August 8, 2012;
- A-8 Copy of the Professional Planning Report prepared by Seidel Planning and Design, Ltd. Dated August 24, 2012;
- A-9 Photographic simulations reflecting the current antenna configuration dated August 24, 2012;
- A-10 Site Plan and Elevation Drawings for the proposed use by Jaime Reyes, PE with a last revision date of August 9, 2012;
- A-11 Checklist and letter from Applicant's attorney dated October 24, 2012.

DISCUSSION

Richard J. Lemanowicz, Esq., attorney for the Applicant appeared before the Board. Mr. Lemanowicz stated the Application was for conditional use approval and waiver of site plan to install two antennas on to an existing telecommunications tower located at 12 Marcella Avenue.

Brian E. Seidel, PP, Seidel Planning & Design was sworn in and accepted to be an expert in planning. Mr. Seidel advised the Board he had visited the site at 12 Marcella Avenue. Referring

to Exhibit A-8, (Site Suitability Assessment prepared by Seidel Planning & Design dated August 24, 2012), he described the property site. Additionally, Mr. Seidel said he had prepared the photographic simulations reflecting the current antenna configuration dated August 24, 2012, (Exhibit A-9); he proceeded to describe the photo simulations. Mr. Seidel said the proposed antennas would measure four-foot (4') and eight-foot (8') in diameter and be installed at an elevation of seventy-feet (70') and one-hundred-feet (100'). Mr. Seidel said the antennas would be low on the tower; the visual impact would be very limited; the original proposal was to install antennas at 220 feet; the lower placement would result in additional screening by the existing trees. Mr. Seidel said and there would be no clustering. Mr. Seidel also said the tower would be structurally capable to handle the antennas.

The Board inquired as to the existing conditions of the site. There was concern regarding whether the existing trees would provide adequate screening.

Mr. Grygiel asked Mr. Seidel to confirm the correct current height of the tower; Mr. Seidel advised the height was 295 feet.

Mr. Keller said he questioned the structural capabilities of the structure. Mr. Lemanowicz said the current analysis indicated that once modified, the tower could accommodate the proposed antennas. Mr. Lemanowicz said that structural work was being done on the tower. The Board advised that a condition of approval would be that antenna dishes would not be installed unless modifications had been completed.

Chairman Bagoff requested Mr. Keller and Mr. Grygiel review the Application checklist for completeness. Mr. Keller advised the Applicant to provide a copy of the property survey.

Mr. Dwyer confirmed with Mr. Lemanowicz that documentation had been provided indicating all equipment was FCC compliant.

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. All of the repairs and modifications to the tower recommended in the report by Yulung Chung, PE in the L&W Engineering report dated April 5, 2012 shall be undertaken and completed by the Applicant. The Applicant shall also conduct an inspection of the existing tower to identify any necessary maintenance issues. The inspection report is to be submitted for the review and approval of the Board Engineer.
8. Applicant to correct the scale of the zoning map and tax map on page T-1 of the plans.

The Board voted on the Application as follows:

Motion: Chairman Bagoff

Second: Vice Chairman Heller

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

Chairman Bagoff announced a brief recess at approximately 8:59 P.M.; he re-convened the meeting at approximately 9:05 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.

Carried from the October 10, 2012 meeting.

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
- A-15** – Harrison French & Associates Site Rendering dated June 12, 2012;
- A-16** – Neglia Engineering Associates Site Section dated October 24, 2012;
- A-17** – Neglia Engineering Associates Six (6) Site Photos dated June 7, 2012.

DISCUSSION

Antimo A. Del Vecchio, Esq. Beattie Padovano, LLC, attorney representing the Applicant, 7-Eleven appeared before the Board. Mr. Del Vecchio gave a brief recapitulation of the Application carried from the October 10, 2012 meeting. Mr. Del Vecchio advised the Board that Gregory J. Polyniak, P.E., P.P., Neglia Engineering Associates had been mid-way through his testimony and would be back on record to continue his testimony.

Mr. Polyniak said 7-Eleven proposed to build a 3,010 square feet store on the lot located at 955 Pleasant Valley Way; the proposed site improvements included a nineteen space parking lot, a loading area, landscaping, lighting, utility improvements, and a storm water conveyance system. Mr. Polyniak described the proposed planter beds, trees and sod coverings. He said all planting would have a permanent irrigation system. Decorative planter beds would be located at the base of the proposed monument signage. There would be one tree planted for every ten parking spaces. Juniper plants were proposed for the area closest to the steep slope. Mr. Polyniak described the proposed lighting plan, which included a series of 17 ft. high poles with mounted LED area light with backlight control, decorative LED Goose Neck fixtures on the building structure and foot-candles near the pedestrian walkways and parking areas. The lighting would not affect any adjoining properties.

Referring to Exhibit A-16 (Site Section), A-17 (Site Photos) and Exhibit A-15 (Site Rendering), Mr. Polyniak detailed the steep slope and issues related to grading. Mr. Polyniak said the western side and northern side of the property were fairly steep sloped. The proposal would require disturbing the slope areas; there would be a new retaining wall and the structure's building wall would ensure slope stability and limited landscaping disturbance. The steep slope area disturbance would not be noticeable; there would be a seventy-five feet buffer depth to the west. Mr. Polyniak said he had visited the site today and could not see surrounding residences. The existing brush and tree canopies shielded the site from other residences.

The Board questioned whether the proposed structure could be moved further south on the property to minimize disturbing the steep slope. Mr. Polyniak stated that moving the structure would affect the proposed drive isle. The Board inquired as to the structural design of the rear wall; Mr. Polyniak said the material would be a typical poured concrete. The Board expressed concern that the dumpster location was too close to the residential area; would it be possible to "flip" its location. The Board inquired about the site's drainage system; there was concern that the water leading into pipes from the trench drain would possibly back-up and run-off would pool on Pleasant Valley Way. There Board inquired about the proposed landscaping plan; there was concern that some of the proposed plantings would not work at the location. It was suggested that more native plantings; shade trees and street trees be incorporated; and that the proposed juniper plantings would not stabilize the steep slope. Mr. Polyniak said a certified landscape architect who believed the proposed plan would work; and with regard to street trees, they could not be located in the site triangle had prepared the landscaping plan. The Board asked if the Applicant had considered eliminating left turns out of driveway. Mr. Polyniak said the plan did not incorporate eliminating left turns.

Mr. Keller inquired regarding the truck-turning path; from where would delivery trucks be coming; what was the size of the trucks, and what times were scheduled for deliveries. Mr. Polyniak said that tractor-trailers would be coming from Route 280 to make deliveries between the hours of 7:00 P.M. and 5:00 A.M. utilizing the parking lot but not impede the lot usage. Mr. Keller inquired about the grading of site. He noted the Applicant was seeking a variance for a fenced-in wall greater than 6 feet. He asked if there was a way to eliminate the need for the variance; additionally he wanted to know the length of the proposed wall. Mr. Polyniak said the proposed wall was 8 feet in height; the length would be approximately 15 feet. Mr. Keller inquired if it would be possible to move the proposed structure to the south; Mr. Polyniak said moving the structure would affect the drive isle. Mr. Keller commented that Mr. Polyniak should review the provision for street trees with the Applicant's landscape architect. Mr. Keller noted that the plan indicated modular block wall with perforated drain connecting to the storm sewer system but the drainage plan did not indicate any inlets. Mr. Polyniak said there are drainage structures that could tie in to the system. Mr. Keller asked for details regarding the lighting plan; was there a difference between the color pattern and intensity of the fixtures; Mr. Polyniak said those issues had not been specified. Mr. Keller advised that the lighting plan specify those issues. Mr. Keller said that the proposed trench drain was appropriate, but said the leaf litter would make maintenance difficult. Mr. Polyniak agreed that the system would have to be maintained; it would not be easy. Mr. Keller asked if the parking lot had designated spaces for employees; Mr. Polyniak advised the lot did not have designated spaces. Mr. Keller asked if Mr. Polyniak was satisfied that the dumpster area was properly screened; Mr. Polyniak indicated he believed the screening was sufficient.

There were no questions from Public Advocate.

Chairman Bagoff asked members of the public for their questions on heard testimony.

Manuel Lin – 938 Pleasant Valley Way.

William Wai, 37 Mt. Pleasant Place.

Thomas Heigle, AIA, Consulting Architect, Harrison French & Associates, Ltd., was sworn in, stated his credentials; and accepted to be an expert witness in the field of architectural design. In response to the Board's inquiry regarding whether the Applicant's architectural firm was licensed in the State of New Jersey, Mr. Del Vecchio said that Harrison French & Associates, Ltd. believed they met the conditions of

certification. Chairman Bagoff requested that Mr. Dwyer and Mr. Del Vecchio confirm certification.

Mr. Heigle described the exterior of the proposed structure; to the rear, the structure would be buried in to the hillside, there would be some poured concrete. The architectural details would include a strong cornice, typical 7-Eleven, Inc. signage in front, and green awnings. The floor plan for the site was typical for a 7-Eleven; the entry was close to center of the building. Mr. Heigle described the interior layout of the store; he noted that there would be two handicap accessible restrooms; and a side exit for Emergency use only. All deliveries would come through the front double doors. A parapet would screen all electrical equipment located on the roof. Mr. Heigle concluded his testimony.

The Board inquired if it was possible to create a dumpster enclosure as part of the wall; also would be possible for the Applicant to present a more efficient plan; and would a more efficient plan trigger additional variances. The Board reiterated it would like to see a revised plan that moved the location of the structure to the left of the property.

The Board and Mr. Del Vecchio agreed to carry the Application to the November 7, 2012 regular meeting; additionally, the Applicant agreed that revised engineering and architectural site plans would be submitted prior to the next meeting.

MEETING ADJOURNED at approximately 11:01 P.M.

Minutes adopted November 29, 2012



Robin Miller, Planning Board Secretary

****THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
DECEMBER 5, 2012 AT 8:00 P.M. IN COUNCIL CHAMBERS ****