

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
April 1, 2015**

The Township of West Orange Planning Board held a regular meeting on April 1, 2015 at 7:30 P.M. in Council Chambers, 66 Main Street, West Orange, New Jersey.

Chairman Heller called the meeting to order at approximately 7:35 P.M. It was announced that notification of this meeting was given to the Township Clerk, and posted on the Township Bulletin Board on December 11, 2014 in accordance with the requirements of the "Open Public Meetings Act".

PRESENT: Jerome Eben, Gerald Gurland, Chairman Ben Heller, Jason Lester, Vice Chairman Ron Weston, William Wilkes II

ABSENT: Robert Bagoff, Joanne Carlucci, Tekeste Ghebremicael, Lee Klein, Councilwoman Susan McCartney

ALSO PRESENT: Paul Grygiel, AICP, PP, Acting Township Planner, Frank Russo, PE, PP, Omland Engineering, Township Consulting Engineer, Patrick J. Dwyer, Esq., Board Attorney, Robin Miller, Board Secretary, Debbie Dillon, Audio-Digital Transcription Service

PLEDGE OF ALLEGIANCE

Chairman Heller requested all persons stand for the Pledge of Allegiance.

ROLL CALL

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

ANNOUNCEMENTS

The next Planning Board regular meeting will be held on May 6, 2015 in Council Chambers at 7:30 P.M.

ADOPT MINUTES

The minutes of the March 4, 2015 meeting were unanimously adopted.

SWEARING IN

Frank Russo, PE, PE, Omland Engineering, Township Consulting Engineer.
Paul Grygiel, AICP, PP, Acting Township Planner.

RESOLUTION(S)

PB-14-25/McKay Brothers, LLC

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

10 Marcella Avenue

Conditional Use Site Plan to install eight antennas to existing tower and ancillary equipment within an existing building.

DISCUSSION

Mr. Dwyer noted there was a revision to the Resolution; page 4, paragraph 15. Vice Chairman Weston motioned to adopt the Resolution with revision as stated by Mr. Dwyer.

The Board voted on the Resolution as follows:

Motion: Vice Chairman Weston

Second: Mr. Wilkes

Bagoff: Absent	Carlucci: -	Eben: -	Ghebremicael: Absent
Gurland: -	Klein: -	Lester: -	McCartney: Absent
Weston: Yes	Wilkes: Yes	Heller: -	

PB-15-02C/County of Essex/TBZ/Giraffe Exhibit

Block: 163; Lot: 1; Zone: R-1

560 Northfield Avenue

Courtesy Review Application for Giraffe Exhibit.

The Board voted on the Resolution as follows:

Motion: Vice Chairman Weston

Second: Mr. Wilkes

Bagoff: Absent	Carlucci: -	Eben: -	Ghebremicael: Absent
Gurland: -	Klein: Absent	Lester: -	McCartney: Absent
Weston: Yes	Wilkes: Yes	Heller: -	

PB-15-03C/County of Essex/TBZ/Café Renovation

Block: 163; Lot: 1; Zone: R-1

560 Northfield Avenue

Courtesy Review Application for renovations to existing café.

The Board voted on the Resolution as follows:

Motion: Vice Chairman Weston

Second: Mr. Wilkes

Bagoff: Absent	Carlucci: -	Eben: -	Ghebremicael: Absent
Gurland: -	Klein: Absent	Lester: -	McCartney: Absent
Weston: Yes	Wilkes: Yes	Heller: -	

APPLICATION(S)

PB-15-01/Reuven and ADI, LLC

Block: 114; Lot: 110; Zone: MSS

222 Main Street

Amended Final Site Plan with "c" Variance.

EXHIBITS

- A-1:** Reduced size (11"x17") Site Plan Drawings, prepared by Rui Amaral, RA, revised through 3/31/15 (7 sheets);
- A-2:** Full Size Site Plan Drawings, prepared by Rui Amaral, RA, revised through 3/31/15 (7 sheets);
- A-3:** Limits of Disturbance, Paving Calculation, prepared by Rui Amaral, RA (untitled, unsigned, undated, verbally identified during hearing);
- A-4:** Color aerial photograph, color site photographs, and color surrounding area photographs, prepared by John McDonough, LA, PP, AICP, undated, (3 sheets).

DISCUSSION

Robert C. Williams, Esq., attorney for Applicant, addressed the Board. He described the property as a vacant building located in the Main Street Sub Zone; the Applicant proposed to convert the existing office building to retail stores on the first floor and two residential units on the second floor. He said that subsequent to the initial and second set of site plan submissions, the Applicant had received an additional memorandum from Frank Russo, PE, PP, Omland Engineering, (dated March 26, 2015); the Applicant would be addressing all comments; the most recent site plan revisions, (dated 3/31/15) had attempted to incorporate all comments.

Rui Amaral, RA, was sworn in, stated his credentials, and was accepted by the Board to be an expert in architecture. Mr. Amaral described the existing conditions, (Exhibit A-2, Sheet 3); the property was a corner lot at the intersection of Main Street and Shepard Terrace, the front yard setback was approximately 20 feet; the property sloped toward the rear. The building was located in the middle of the property; the current parking was along the southern side of the property; vehicles entered on Main Street and exited on Sheppard Terrace; vehicles moved in a one-way direction. The building was currently vacant. Mr. Amaral described the existing conditions for the first floor and second floor, (Exhibit A-2, Sheet 6); current design for both floors was office use. Mr. Amaral said the proposed changes included two retail spaces on the first floor and two residential apartments, (Exhibit A-2, Sheet 1). He said the building front exterior would remain basically unchanged; the brick façade was in good condition; the structure of the building was intact; he noted the construction of the building was concrete. The existing front entrance would be removed; two separate storefront entrances would be installed. The existing first floor windows would be removed and replaced. The front of the building would be paved to accommodate the new first floor entrances. The driveway entrance would remain the same; the only change would be to provide parking spaces; there really was not any current parking. He described the proposed parking configuration including four angled parking spaces on the left side of the property; the location, size and container capacity of the of the trash enclosure; and three parking spaces located

in the along the rear of the property parallel to the driveway. In response to questions from Mr. Williams, he confirmed the parking proposal to be part of the revised plans submission. He did review Mr. Russo's memorandum dated March 26, 2015; he acknowledged discussing the alternate plan; he did review the plan Mr. Russo sketched at the Tech Review meeting, (2/11/2015); he confirmed he discussed both plans with the Applicant. He confirmed the Applicant was willing to comply with whichever plan the Board desired. Mr. Amaral said the Applicant's traffic engineer had determined the proposed plan was superior to the one suggested by Mr. Russo.

Mr. Amaral summarized the plan revisions made in response to Mr. Russo's memorandum, (3/26/2015); he confirmed the Applicant had addressed or complied with all comments except: Comment #3 – the parking plan would be as shown on the Applicant's revised site plan dated 3/31/2015. Comment #4 – he confirmed the proposed area of paving would be 4,755 sq. ft., a Hudson Essex Passaic Soil Conservation District application would not be necessary. Comment #9 – there would be no foundation plantings along the Sheppard Terrace façade (north side) of building. Comment #12 – the trash enclosure would be 8' x 8' 8". Comment #14 & #15 – a lighting plan would be submitted for review and approval by the Township Planner once the fixtures have been chosen. Comment #16 – HVAC unit would be located on the roof with appropriate screening; there was little space to locate it on the outside of the building. Comment #18a - an approval from Hudson Essex Passaic Soil Conservation District would not be sought unless the area of disturbance exceeded 5,000 sq. ft.

Mr. Amaral described the proposed elevations, (Exhibit A-2, Sheet 5); the storefronts would have fabric canopies with signage, new glass entrance doors and new windows; the existing brick façade would remain. Changes to the rear elevation would include replacing and installing new windows, installing a new porch railing, installing new rear doors; the existing brick façade would remain. The right side elevation would remain unchanged except for new windows; on the left side elevation the existing first floor windows would be removed and bricked; the second floor windows would be replaced; the brick façade on the right and left side would remain.

Mr. Amaral gave a brief description of the proposed landscaping, (Exhibit A-2, Sheet 1), including new plantings along both sides of the front retail spaces, new sidewalk to front of building and new retaining wall along right side of property. With the exception of extending the grading to the driveway to accommodate the storefronts, the grading plan would remain unchanged, (Exhibit A-2, Sheet 2). He concluded his testimony.

Mr. Lester asked for clarification regarding the location of the proposed HVAC unit and the design of the residential parking spaces to the rear of the property. Mr. Amaral said the HVAC unit would be located on the building rear roof; he opined the proposed parking was a better design than discussed at the Tech Review meeting. Mr. Williams advised the Board the Applicant's traffic expert was present to provide testimony regarding the parking plan.

Vice Chairman Weston asked for clarification regarding the mechanical system, specifically the location of the condensers. Mr. Amaral said he could locate the condensers inside the building at the gabled ends of the front façade and cover the outside with grills. Vice Chairman Weston voiced concern about the air movement for the condensers; he opined the proposed design was unusual. He cautioned Mr. Amaral any approval would not include putting condensers on site; the applicant

would have to come back before the Board. Vice Chairman Weston opined that as a condition of approval, the proposed lighting plan must conform to Township ordinance standard; he said to make sure the mounted fixtures were cut-off type; he suggested Mr. Amaral consult the Downtown façade design standards for retail lighting.

In response to inquiry from Chairman Heller, Mr. Amaral confirmed no new trees were included in the proposed planting list. Chairman Heller stated it was important for a property in the Main Street corridor to be properly landscaped; he recommended at least three (3) shade trees be added to the front of the building and three (3) shade trees to the north of the building. Mr. Amaral opined retail businesses did not like trees blocking storefronts. Chairman Heller said there was the opportunity for a shade tree to flank the right side of the building, one between the two storefront signs, and one to the south proposed landscaped area. He recommended red maples, two-inch caliber in size. Additionally, he opined there was the opportunity to landscape the triangular area adjacent to the rear of the property with arborvitae green giant, six to seven feet in height, four feet on center to create adequate screening. He asked for clarification regarding the proposed plantings along the rear trash enclosure; Mr. Amaral said the plan indicated Japanese barberry had been changed to hydrangea.

Discussing the parking plan, Mr. Gurland opined the need for something other than asphalt in the triangular areas between the angled parking spaces. Chairman Heller suggested curbing with landscaping would be a better plan; Mr. Gurland opined curbing would be potential tripping hazard. Mr. Gurland asked for clarification regarding the removal of the tree located on the front of the property. Mr. Amaral said five trees had (already) been removed; the front tree was very large; it was not in bad shape; its removal was a visibility issue. Mr. Gurland stated he had a real problem with its removal. Referring to Sheet 2e, Mr. Gurland asked for clarification regarding the spread of foot candles in the parking area; he opined the plan indicated there would be almost no light shining on cars in the evening; the lighting was inadequate. Mr. Amaral said the lighting plan would be revisited; he would address the issue.

In response to questions from Mr. Eben, Mr. Amaral confirmed the plan included the removal of the existing front vestibule; the setback would be increased 2 ft.; a variance was required for maximum front yard setback. Mr. Grygiel said the Downtown Redevelopment Plan required maximum front yard setback of 20 ft.; 22.6 ft. existed; the plan proposed 24.9 ft. Messrs. Eben and Amaral discussed the second floor renovation plan. Mr. Eben said the plans indicated the building had heavy interior walls; he asked were all second floor walls to be removed; he said it appeared to be a major wall going down the middle (of the interior). Mr. Amaral said the second floor interior walls would be removed; he identified the middle wall as masonry; it went the ground floor. The wall defined the two apartments; he was unsure if it would be wholly or just partially removed; however, it would remain on the first floor to define the retail spaces. In response to Mr. Eben's inquiry, Mr. Amaral said the contractor would reuse the bricks from the former vestibule to brick the windows on the left side elevation to ensure continuity in the appearance of the façade. Mr. Eben stated the three parallel car spaces were next to an 18 ft. high wall; he stated that devoid of curbing there would not be space for opening a car door; had investigated the possibility of securing designated parking spaces from the lot across Main Street. Mr. Williams advised it would be a question for the property owner. Mr. Eben suggested eliminating the three spaces to create a landscaped lawn area for the apartment residents. He opined there might be a better plan; there

was huge parking lot across the street, or the residents could use the retail parking on-site after business hours in a mixed-use building.

Chairman Heller asked if the Applicant would consider flushed curbing with ground cover, in the triangular area between the parking spaces on the south side of the property; he opined it would help capture area storm water. Mr. Amaral said soft curbing had been discussed with the engineer during the original plan; it had been discouraged due to snowplowing concerns.

Mr. Eben asked for clarification regarding the landscaping area on the northeast corner of the property; Mr. Amaral said the plan indicated two small retaining walls with landscaping. He explained the grade went up at the northeast corner; to install the new sidewalk it would be necessitate excavating dirt approximately 4 ft. high. Mr. Eben suggested additional grading and aligning the raised window with the others in the retail space, (Sheet 5), and eliminating the second retaining wall. He asked for clarification regarding the design of the leaders; to where would they come down - to the quoins in the corners, and if they would run to the curb on Main Street. Mr. Amaral said the leaders would run to Main Street; the leaders would not cover the quoins in the corners of the building.

In response to inquiry from Mr. Grygiel, Mr. Amaral confirmed the building signage would not be a backlit illuminated box sign, (Sheet 5). Mr. Grygiel asked for clarification regarding the south side parking; why had the Applicant proposed 10'ft.x19' ft. spaces. Mr. Amaral said the traffic expert would answer the question.

Mr. Russo asked for clarification regarding the site disturbance analysis; he stated that just the paving was included; there was also regrading and new sidewalks. Referring to Exhibit A-3, Mr. Amaral stated the area of disturbance was under 5,000 sq. ft. Mr. Russo opined he remained unconvinced; Vice Chairman Weston suggested revisiting the issue during deliberation.

Mr. Russo opined a better installation plan for the HVAC unit would be along the Shepard Terrace side of the building with landscape screening, as opposed to on the roof or inside the building; Mr. Amaral agreed to relocate the HVAC unit as suggested.

Regarding the proposed orientation of the dumpster enclosure, Mr. Russo opined a straight orientation would better facilitate the movements of a garbage truck.

Mr. Russo suggested changes to the proposed lighting plan; he opined the plan did not appear to meet Township ordinance; he opined two free standing lights with cutoffs in the parking lot for public safety would be a better alternative; one could be located behind the dumpster. Lastly, Mr. Russo asked if it was possible to increase the curve of the first parking space to accommodate additional landscaping.

The Public Advocate and Public had no questions for Mr. Amaral.

Joseph J. Staigar, P.E., P.P., Dynamic Traffic, LLC, was sworn in and accepted by the Board to be an expert in traffic engineering. Mr. Staigar confirmed he had reviewed and participated in the design of the proposed parking plan, (Exhibit A-2, Sheets 1 & 2). It was decided the best way for all vehicles to maintain the 45-degree angle would be to size the spaces 10'ft.x19' ft. The three rear spaces

were placed parallel for ample ability to make the right turn (to rear) of property; the spaces were 23 ft. long, they met RSIS (Residential Site Improvement Standards). Mr. Staigar acknowledged Mr. Russo's parking plan for eight spaces was good, but opined there was better circulation with seven spaces; the mixed-use property allowed for shared parking; it was his opinion there would be ample parking; the proposal was much better than the current conditions. Mr. Staigar said that unless a private trash hauler had a pickup truck, curbside collection was required because a large garbage truck would not fit on site. Large trucks would be not be able to circulate around the building.

Mr. Lester asked for clarification regarding the size of delivery trucks; Mr. Staigar said delivery vehicles would not be much larger than a passenger car; the retail stores were small; a UPS truck could park on street on Shepard Terrace for deliveries.

Vice Chairman Weston said the Board had previously indicated they would like to see a reduction in asphalt and maximized area landscaping. He asked if the Applicant would support the idea of reducing the number of parking spaces to two in the rear, and increase the landscaping. Would the site be able to accommodate a total of six parking spaces. Mr. Staigar said it would be possible; there was sufficient on street parking and nearby lots for resident parking.

Mr. Wilkes asked for clarification regarding the angled parking plan for eight spaces; he voiced concern regarding access for emergency vehicles. Mr. Staigar said the plan for eight spaces had been suggested by Mr. Russo (Tech Review meeting 2/11/15); the Applicant had opted for the plan with seven spaces; there was better circulation.

Mr. Gurland asked if the ordinance required designated parking spaces for residents; and for an explanation of the shared parking should the retail businesses have late hours. He opined there were too many parking spaces on site; he was concerned the dimensions of the spaces were quite narrow; there was the potential for accidents. He recommended eliminating three parking spaces. Mr. Staigar said designated spaces were not required for residents; he opined the retailers would not be open late at night; the Applicant would agree to eliminate three spaces if conditioned by the Board.

Chairman Heller asked if there were a designated handicap space, where would it be located and how would it affect the continuation of curbing and landscaping from Main Street. Mr. Staigar identified the space closest to Main Street; 16 ft. would be required edge-to-edge. Mr. Eben said he concurred with eliminating three parking spaces as recommended by Mr. Gurland. He suggested the Applicant secure additional parking spaces from the parking lot across the street (Main Street), or utilize on-street parking.

Mr. Grygiel asked for clarification regarding the length of the parallel parking spaces; Mr. Staigar said the aggregate length of each space was 23 ft. – an 18 ft. car space and 5 ft. striped area for maneuverability.

When asked to clarify his testimony regarding the design of the parking stalls along the southern side of the property, Mr. Staigar told Mr. Russo the stalls were angled 45 degrees, "approximately"; however, a full-sized vehicle template confirmed maneuverability. Mr. Russo responded the (proposed) stalls were not ordinance compliant; Chairman Heller asked for clarification regarding the back-up requirements; Mr. Russo said 45-degree angles would require 13 ft. back up space. Mr.

Staigar confirmed the Township had run turn templates on site; a diagram could be provided for review. Responding to Mr. Russo, Mr. Staigar said he did not know if the Township had any one-way streets with on street parking; however, they were somewhat common throughout Essex County; he was not aware of restrictions on driver side parking; and RSIS allowed. Messrs. Russo and Staigar discussed the Omland memorandum dated March 26, 2015.

Kevin Kruse, Downtown West Orange Alliance, asked if parallel parking would be safer than angled parking; Mr. Staiger answered in the affirmative.

Dr. Joseph Rozehzadeh was sworn in; and identified as the Applicant and owner of the property. In response to questions from Mr. Eben, Dr. Rozehzadeh said the building would not be owner occupied; he acknowledged Mr. Eben’s property maintenance concerns; he owned other properties in the area; he testified the property would maintained. He told Vice Chairman Weston he wanted as much parking as possible; however, as a condition of approval, less parking would be acceptable. The property had been sitting vacant for a long time; he wanted the project to move forward. He would agree to conditions set forth by the Board regarding the issues previously discussed. In response to Mr. Russo; Dr. Rozehzadeh said all the other properties he owned had curbside garbage collection; he would prefer curbside pickup for the new property.

The Public Advocate and Public had no questions for Dr. Rozehzadeh.

John McDonough, LA, PP, AICP, was sworn in, and accepted by the Board to be an expert in planning. Referring to Exhibit A-4, Mr. McDonough gave a brief overview of the property and surrounding area. He said the area did not have an established downtown Main Street “streetwall” effect. The Applicant had previously removed eight trees from the property as per Township notice; the existing shade tree in the front of the property would remain. Most recently, the building was an all-office use. In line with the Redevelopment Plan, the Applicant proposed to upgrade and convert the building to have a mixed-use component including ground floor retail and upper level residential. He opined the renovation would be more compliant with the Township’s Master Plan than the previous office use. He summarized the parking difficulties; he said the Applicant would be agreeable to eliminating additional spaces, banking stalls and filling in with landscaping for better circulation. He indicated the Applicant required variance relief from eight sections of the Redevelopment Plan:

SECTION/REQUIREMENT:	REQUIRED:	EXISTING:	PROPOSED:
Downtown Redevelopment Plan – Main Street Subzone Maximum front yard setback	20 ft.	22.6 ft.	24.9 ft.
Downtown Redevelopment Plan – Main Street Subzone Minimum off-street parking spaces	101	3	7
25-12.1a Sidewalk between any building and a parking area or drive	Required	None	None
25-12.1b Minimum distance of curbing from fence or screening	5 ft.	NA	0 ft.

25-12.1h.2 Minimum parking aisle width	13 ft.	NA	10.4 ft.
25-12.1h.6 Minimum driveway width	14 ft.	NA	10.4 ft.
25-12.1i Minimum distance of parking area entrance or exit from residential district	50 ft.	23 ft.	23 ft.
25-12.1p Minimum number of trees in parking area	1 for each 10 parking stalls	NA	0

They were all “c” type bulk variances that could be justified under “c(1)” - the physical hardships associated with the property, or “c(2)” criteria - the benefits of adaptive reuse of the building and positive reinvestment in the downtown outweighed the detriments associated with the existing developed site. He opined it was a good Application that met all statutory criteria; it created no substantial impairment to the intent of the Redevelopment Plan, or substantial detriment to the surrounding properties.

Mr. Grygiel asked if the number of parking spaces were reduced due to redesign, would the proofs provided by Mr. McDonough still apply; Mr. McDonough answered in the affirmative.

In response to questions from Mr. Russo, Mr. McDonough confirmed the standards for minimum required parking aisle width - 11 ft. for 30 degrees parking, and 13 ft. for 45 degrees parking. Mr. McDonough was unsure of the exact angle of degree of the southerly parking spaces; he understood Mr. Staigar’s testimony had indicated 45 degrees. Considering the lighting plan, he opined the parking lot levels were adequate; it met the standards for minimum foot candle requirements with a parking space. He said he liked the idea of dark spots along the perimeter of the property near residential area. Mr. Russo opined the plan did not appear code compliant; Vice Chairman Weston suggested lighting plan approval by the Township Engineer as a condition of Approval.

Kevin Kruse, Downtown West Orange Alliance, asked for clarification regarding parking alternatives; Mr. McDonough said there was on-street parking on Shepard Terrace, Main Street, possible use of the parking lot across Main Street, and a municipal parking lot.

Mr. Gurland asked if there was a Township ordinance concerning Shepard Terrace parking within 25 or 50 ft. of Main Street; Mr. McDonough said there was a “No Parking Here to Corner” sign on Shepard Terrace; it would be illegal to park within 25 ft. of Main Street.

There was no further testimony. Chairman Heller opened the floor to Public Comment.

Kevin Kruse, Downtown West Orange Alliance, was sworn in; he requested the Board adapt its thinking; the Downtown preferred lots of open space and a clear view to retail facades, not trees and landscaping. He stated he was shocked the Board would suggest less parking; he opined on-site parking was crucial for retail space. He stated he spoke for the DWOA; the DWOA wanted on-site parking. He suggested the DWOA speak to the Board at an upcoming meeting so that everyone could be “in sync.”

Mr. Williams requested the Board consider the importance of parking; he stated it was critical to the Application that the plan be approved with seven spaces.

The Board deliberated on the Application. Mr. Lester stated the lighting plan should be included as a condition of approval; Vice Chairman agreed. Regarding the testimony of Mr. Kruse, Vice Chairman Weston stated the Board had been on-trend to reducing impervious coverage. He acknowledged the site was small, he suggested the Board consider the advice of the Alliance. He recommended the addition of a handicap parking space. He suggested Applicant consider ground installation of the HVAC unit; he recommended as a condition of approval there be a (designated) landscaped area along Shepard Terrace should the Applicant decide to install at a later date. Chairman Heller said that the property had the appearance of a typical suburban downtown lot; but there were significant parking challenges in the surrounding downtown corridor. Mr. Wilkes stated he was in favor of keeping the Applicant's parking plan. Mr. Gurland confirmed the shade tree in the front of the property would remain, He said that he agreed with Messrs. Williams and McDonough concerning parking related issues for the retail use; however, he believed the proposed plan was potentially dangerous and unworkable. He recommended eliminating the three rear parking spaces. He opined the Board was considering an excessive number of conditions for approval; he recommended the Applicant first meet all conditions and return to the Board for final approval; he would not vote in favor of approving the Application at this time. Mr. Eben said initially, he was in favor of eliminating spaces; he had surveyed the area and believed there was ample off-site parking; however, he would agree to keep the three spaces. He recommended the three spaces be paved with "grasscrete" instead of back top. He voiced concern about property maintenance issues, but he did believe the owner's testimony to the contrary and would vote in favor of approving 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 comply with the comments in the review letter from Omland Engineering/Frank Russo, PE, PP dated March 26, 2015 except Comments #3, 4, 16 and 18(a).
8. Applicant to reserve pad area on the Shepard Terrace side of the building as potential site to install HVAC equipment and landscape to buffer subject to the review and approval of the Board Planner and Engineer.
9. Applicant not required to submit for approval to the Hudson-Essex-Passaic Soil Conservation District due to the site disturbance being less than 5,000 sq. ft.
10. Applicant to add one Red Maple tree in the front plus three Red Maple Trees on the Shepard Terrace/North side of the property, not less than 2" in diameter, subject to the review and approval of the Board Planner. These shall not be "street trees" located between the curb and sidewalk.
11. The triangle area in the rear right corner of the property to be screened with green giant arborvitae 6'-7' in height five feet on center.
12. Applicant will use bricks from the removed foyer in "bricking up" the windows on the lower level south side of the building to the extent possible.
13. The roof leaders shall not interfere with the brick quoins at the façade corners. All leader drains shall be connected directly to the existing inlet at the corner of Shepard Terrace.
14. Signs shall not be backlit.
15. Applicant to submit a lighting plan which conform with the ordinance and be subject to the review and approval of the Board Engineer and Planner. Light fixtures will "cutoff" type.

16. The existing large tree in the front yard shall remain undisturbed.
17. Not less than one (1) of the parking spaces on site shall be designated for handicapped parking with appropriate striping and signage as shown on the plans. Applicant will comply with applicable ADA and NJ UCC barrier free access regulations for the proposed redeveloped site.
18. Applicant is granted a waiver from providing a drainage plan or sight triangles for the project.
19. All conditions of approval shall be shown on the plans. The information published on Exhibit A-3 to be included in the final site plans.

The Board voted on the Application as follows:

Motion: Vice Chairman Weston

Second: Chairman Heller

Bagoff: Absent	Carlucci: Absent	Eben: Yes	Ghebremicael: Absent
Gurland: No	Klein: Absent	Lester: Yes	McCartney: Absent
Weston: Yes	Wilkes: Yes	Heller: Yes	

Chairman Heller announced a brief recess at approximately 9:59 P.M.; he reconvened the meeting at approximately 10:02 P.M.

DISCUSSION

Chairman Heller stated the Township Council had voted against the Sustainability Checklist Ordinance Amendment; there was concern over Township costs associated with LEED compliance on renovations or new building projects. Mr. Grygiel advised there was an additional minor change suggested by Councilwoman McCartney; the Township Legal Department would send the Council a revised version of the Ordinance.

Chairman Heller announced the May 6, 2015 meeting would be his last; Mr. Dwyer advised Vice Chairman Weston would assume the Chairmanship.

MEETING ADJOURNED at approximately 10:13 P.M.

Minutes adopted September 9, 2015

Robin Miller, Secretary
Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY OCTOBER 7, 2015 AT 7:30 P.M. IN COUNCIL CHAMBERS**