

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
September 9, 2015**

The Township of West Orange Planning Board held a regular meeting on September 9, 2015 at 7:30 P.M. in Council Chambers, 66 Main Street, West Orange, New Jersey.

Vice 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, and posted on the Township Bulletin Board on December 11, 2014 in accordance with the requirements of the "Open Public Meetings Act".

PRESENT: Vice Chairman Robert Bagoff, Jerome Eben, Gerald Gurland, Lee Klein, Councilwoman Susan McCartney (7:34 P.M.), Gary B. Wegner, William Wilkes II

ABSENT: Joanne Carlucci, Tekeste Ghebremicael, Jason Lester, Chairman Ron Weston

ALSO PRESENT: Paul Grygiel, AICP, PP, Township Planner (9:32 P.M.); Frank Russo, PE, PP, Bowman Consulting, Township Consulting Engineer; Kate Keller, Township Consulting Planner, Phillips Preiss Grygiel LLC; Patrick J. Dwyer, Esq., Board Attorney; Robin Miller, Board Secretary; Kevin Dillion, Audio-Digital Transcription Service

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

ANNOUNCEMENTS

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

ADOPT MINUTES

The minutes of the following regular meetings were unanimously adopted: April 1, 2015, May 6, 2015, June 3, 2015 and August 5, 2015.

SWEARING IN

Frank Russo, PE, PE, Bowman Consulting, Township Consulting Engineer.
Kate Keller, PP, Phillips Preiss Grygiel LLC, Township Consulting Planner.

APPLICATION(S)

PB-15-04/David Morrow c/o Wilshire Ent. Inc.

Block: 172.02; Lot: 1; Zone: B-2
965 Pleasant Valley Way
Soil Removal Permit.

EXHIBITS

- A-1:** Soil Removal Site Plan, prepared by Richard S. Pelizzoni, PE, PLS, Whitman Co., dated 4/17/15, revised 6/5/15 (6 sheets);
- A-2:** Slope Analysis Plan, prepared by prepared by Richard S. Pelizzoni, PE, PLS, Whitman Co., dated 8/24/15 (1 sheet).

Thomas J. Molica Jr., Esq., Vogel Chait Collins and Schneider, PC, attorney for Applicant, introduced the Application for a Soil Removal Permit for property on an undeveloped lot; a site plan was not included; no land use development was proposed; the Applicant was appearing solely for the granting of a Soil Removal Permit.

Richard S. Pelizzoni, PE, PLS, Whitman Co., was sworn in stated his credentials and was accepted by the Board to be an expert in civil engineering; David Morrow, was sworn in and testified he was President and Chief Investment Officer of Wilshire Enterprises, Inc.

Referring to Exhibit A-1, Mr. Pelizzoni said the property was located on the westerly side of Pleasant Valley Way; the lot size was an approximately 150 ft. wide by 180 ft. deep parallelogram with steep slopes. The proposal included grading the property and excavating 1,500 cubic yards of soil to create a more level lot with a 1% to 2% grade. Referring to the Grading Plan (Sheet 2), he described how the lot currently sloped upward from Pleasant Valley Way and had a small area of medium slope in the front quarter of about 20% to 10% to the rear of the property. Referring to Exhibit A-2, he said the darker shaded areas indicated steeper slopes in the front property between 15% and 20%, in the middle property a gentler slope of approximately 10%, and to the rear of the property the steeper slope above 25%. The plan would remove approximately 1,500 cubic yards of soil from the front half of the property by conventional excavation means, not blasting, resulting in a more marketable site for a potential developer.

Referring to Mr. Grygiel's memorandum dated July 27, 2015, Mr. Pelizzoni stated the Applicant was seeking approval for a Soil Removal Permit only; not Site Plan approval. He said there would be some tree removal; however, the mature trees located in the rear of the lot where there was the steep slope, would not be disturbed. Referring to Exhibit A-2, he noted the Steep Slope and Natural Features Ordinance had been considered and incorporated in to the plan.

Mr. Pelizzoni addressed Mr. Russo's memorandum dated August 26, 2015; he stated there were no immediate plans to develop the site; the regrading was intended to make the site marketable to a prospective buyer for future development. The two adjacent lots to the north and south were developed the existing retaining walls at each size of the property would remain in place; they

would be protected during the excavation process; he noted there were residential lots to the rear (west). Concerning storm water runoff; he said the site would remain basically the same; where there was currently grass in the front and wooded areas in the rear, those elements would remain. The area to be disturbed in the middle of the lot would create a slight increase in runoff, less than .10 cubic feet per second, with a 1% to 2% slope. The disturbed material would be stockpiled on in the front south side of the property; it would meet all soil conservation standards. For a level of consistency and stabilization, grass would be planted all through the site. The process would take approximately three weeks.

In response to questions from Councilwoman McCartney, Mr. Pelizzoni said that any lot is buildable, but this plan would make the site more marketable. Mr. Molica reiterated the plan was not for development, it was a Soil Removal Permit application, and the current lot had been effectively unmarketable for a significant time period. Mr. Pelizzoni said no variances for steep slopes were required; the area of disturbance would not be more than 25%. Mr. Molica said a variance was not warranted under a stand-alone Soil Removal Permit; it was not a development application. Mr. Pelizzoni said the bulk of the soil would be removed from the site; any stockpiled soil would be re-used for the topsoil; he was unsure if the soil was in need of remediation; all soil conservation guidelines would be followed. The existing retaining walls would remain; they appeared to be in good condition. The residential homes to the west would not be disturbed; excavation would cease approximately 80-ft. to 100-ft. from those lots.

In response to questions from Mr. Eben, Mr. Pelizzoni said there would be a pre-construction meeting with the Township's engineer and Applicant's contractor to discuss traffic control during the excavation; Mr. Molica stated the Applicant would agree to a pre-construction meeting with Township officials to discuss the issue. Mr. Pelizzoni confirmed the north retaining wall was on the property line; Mr. Molica said the Applicant would agree to pre-construction meeting with Mr. Russo to discuss Mr. Eben's concern regarding the stability of the north retaining wall.

In response to questions from Mr. Klein, Mr. Pelizzoni said areas of disturbance could be greater than 25% without a request for variance relief. Mr. Molica stated no variance was required because a soil removal permit was not an application for development. In response to inquiry from Vice Chairman Bagoff, Mr. Pelizzoni did not know if the existing slopes were man-made or natural; however, there did appear to be remnants of asphalt near the street level, which could have been left over from the street paving. Mr. Klein opined there appeared to be a loophole (in the ordinance), allowing for slope disturbance greater than 25% without a request for variance relief. Mr. Molica said the Applicant understood the Board's concern; however, the area steep slope disturbance was de minimis. In response to Mr. Klein's inquiry, Mr. Dwyer said the current (steep slope) ordinance did not allow for any disturbance if the slope was greater than 25%. Vice Chairman Bagoff suggested the issue be brought to the attention of the Township officials.

Ms. Keller had no questions for Mr. Pelizzoni.

In response to questions from Mr. Russo, Mr. Pelizzoni stated no blasting would occur during the excavation process. He confirmed the plan was to create a flatter area in the front; topsoil would be stockpiled for a temporary basis, the spread out again and seeded. There would be no stockpiled soil remaining at the end of the project. In response to Mr. Russo's concern that the plan might create man-made steep slopes that would result in the need for variances should there be a future development application; Mr. Molica again stated the issue was not germane to the Soil

Removal Permit application.

The Public had no questions or comments for Mr. Pelizzoni.

Mr. Dwyer noted Section 30-3.2 (a)(8) of the Soil Removal ordinance required grade stakes be placed at the existing elevation points. Section 30-3.2 (a)(6) of the ordinance required the place to which the soil is to be removed, and the kind and quantity of the soil to be removed, be identified. Mr. Molica said the applicant would comply with the requirements as a condition of approval; the applicant would keep logs of to where the soil had been removed.

Mr. Pelizzoni concluded his testimony.

David Morrow, President and Chief Investment Officer, Wilshire Enterprises, Inc., confirmed he was familiar with the property and the proposed soil removal application. He advised the Board the decision to file the application to remove approximately 1,500 cubic yards of soil was to present to the general public a better viewpoint of what was on the parcel. Wilshire had owned the parcel since 1992; it had been marketed for sale approximately eighteen years; seven different real estate brokers had listed it; the land's purchase price had been decreased three times. To date not sale had been executed; potential buyers did not want the expense of excavation in relation to the purchase price of the property. Wilshire Enterprises was not a developer; the acquisition of the property was part of a previous divestment with the Trust Company of New Jersey.

Mr. Gurland voiced concern regarding the potential loophole mentioned by Mr. Klein. He opined the Board was entitled to review a complete site plan project; he would not vote in favor of the soil removal permit.

Mr. Eben said he understood the parcel was acquired as part of a divestment; he opined a site plan application would be preferable but based on the history of the property, some development was better than nothing. Mr. Morrow said that the site was in a great location, but was an odd shape.

Mr. Klein opined the applicant should do a little more work regarding curb appeal to make the property more marketable; floor area ratios, parking, generic rectangles, the main components of a commercial site. Mr. Morrow said Wilshire had already incurred costs associated with a potential layout plan; however, the slope of the property, and the geology report put off potential buyers visiting the site.

Referring to the Township Planner's report, Ms. Keller noted that without additional grading the current proposal was not developable. After the proposed soil removal, the area developed without additional grading or retaining walls was less than 50 feet deep, while the minimum front yard was 30 feet. She questioned if the applicant had discussed a better plan might be to estimate the grading now and complete the project in one shot; Mr. Morrow said that plan had been discussed but the estimated associated costs were prohibitive.

Mr. Klein questioned whether the Applicant was comfortable with imposing steeper than 25% slope on the property for future development; Mr. Morrow stated he was aware of the implication; any future development would comply with the ordinance and MLUL.

Aware of what the implication – it is a business decision. Ms. Keller – left with well over 25%

Ms. Keller stated if the application was approved, the Applicant would be left with even more than 25% and over steep slopes; much more than the current condition of the Applicant's property. Any future development would require variances for each steep slope over 25% where 0% improvement was permitted. Mr. Morrow said he understood. Ms. Keller said she agreed with Mr. Dwyer that a variance was not required for the soil removal permit; she opined the permit should itself be considered a variance without a site plan. She opined the Board should approve the permit application.

Mr. Russo questioned if the applicant would maintain the property should it remain unmarketable after the soil removal; were there additional opportunities for landscaping. Mr. Morrow said the parcel had been maintained for 20 years at a yearly cost of approximately \$3,000 to \$5,000; if the parcel were to remain dormant, the landscaping would be addressed.

Councilwoman McCartney questioned if from an engineering point of view the 25% steep slope to the left of the property was left undisturbed, could Mr. Morrow visualize vehicle ingress and egress for a business; Mr. Morrow said he would have to consult with an engineer.

The Public had no questions for Mr. Morrow or comments on the Application.

Vice Chairman Bagoff gave a brief recapitulation of the Soil Removal ordinance; he acknowledged there was a loophole; however, as written, the Board was required to hear the application. He opined the Applicant had presented enough information for the Board to make its decision. Mr. advised the Board that as a condition of approval, the Applicant should be expected to comply with all provisions of the ordinance. Mr. Molica stated the Applicant would comply with the requirements of the ordinance and additional conditions of approval as follows:

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 and issuance of the permit and prior to the commencement of any land disturbance, 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. 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.
6. The location for temporarily stockpiling topsoil shall be indicated on the plans.
7. Applicant shall conduct a preconstruction meeting with the West Orange Police Department, Township Engineer, Applicant's Contractor and all other necessary parties.
8. Applicant shall submit a report on the footing of the retaining wall to the Board Engineer.
9. Applicant shall submit a soil log indicating where the removed soil shall be taken.
10. Applicant shall comply in all respects with the Soil Removal permit Ordinance Sec. 30-3.1, et seq.
11. Applicant shall maintain the property during its ownership and will return to the Board for review of further landscaping if the property has not been sold within five (5) years.

The Board voted on the Application as follows:

Motion: Vice Chairman Bagoff

Second: Councilwoman McCartney

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|----------|-----|-----------|--------|---------|--------|---------------|--------|
| Bagoff: | Yes | Carlucci: | Absent | Eben: | Yes | Ghebremicael: | Absent |
| Gurland: | No | Klein: | Yes | Lester: | Absent | McCartney: | Yes |
| Wegner: | Yes | Wilkes: | Yes | Weston: | Absent | | |

PB-15-05/Haberman West Orange Corporation

Block: 60; Lot: 5; Zone: OB-2

59 Main Street

Preliminary and Final Minor Site Plan with "c" Variance.

EXHIBITS

- A-1:** Minor Site & Grading Plan, signed by Louis A. Tedesco, DMC Associates, Inc., dated 1/23/15, revised 8/13/15 & 8/24/2015 (3 sheets).

Michael Steiber, Esq., Stieber & Veloric, LLC, attorney for Applicant introduced the Application; he stated the project involved widening the existing driveway that abutted the southerly side of the building to improve safety; currently the width of the driveway was approximately 20 feet; the Applicant sought to increase it by approximately 5 feet. He opined there was no negative result of the construction.

Matthew J. Neuls, P.E., was sworn in, stated his credentials, and accepted by the Board to be an expert professional engineer.

Michael J. Breitman, was sworn in, stated he was the Building Manager for the Applicant, Haberman West Orange Corporation, located at 59 Main Street, West Orange.

Vice Chairman asked for clarification regarding Applicant's request for "c" variance relief. He asked if the marked Exhibit was the same as those submitted to the Board on August 31, 2015. Mr. Neuls confirmed the plans were the same. Referring to Exhibit A-1, Sheets 2 and 3, Mr. Neuls described the existing conditions including a retaining wall along the south side of the property adjacent to existing driveway; to improve safety, the driveway would be widened approximately 5 feet from its current curb to the retaining wall resulting in a slight increase in surface impervious coverage. There would be no structural changes to the existing retaining wall; it would remain intact and functioning. There already existed several catch basins in the parking lot; the drainage would remain unchanged. In response to Mr. Russo's memorandum dated August 25, 2015, Mr. Neuls said the integrity of the retaining wall would be kept intact by ensuring the weep holes were not covered during construction; the existing impervious coverage of 87.17% would increase to 88.08%. He concluded his testimony.

Vice Chairman Bagoff requested Mr. Neuls address the inconsistencies noted in Mr. Grygiel's report dated August 13, 2015. Mr. Neuls said the 8/24/15 plan revisions partially reflected changes per Mr. Grygiel's comments; Sheet 2 listed the increase in impervious surface coverage as 87.33%, the correct increase was 88.08%. The correct "area of improvement" number was 1,050 square feet. Typographical errors had been corrected.

Ms. Keller advised the Board the three "c" variances required were for maximum impervious coverage (to be revised to 88.08%), minimum distance from off-street parking area to property line, and parking area setback to side property line in OB-2 zone. All were existing nonconforming conditions further exacerbated by the proposal.

In response to inquiry from Councilwoman McCartney, Mr. Neuls said compliance connoted new engineering industry standards for roadway design and vehicular access for a commercial driveway.

In response to questions from Mr. Gurland, Mr. Neuls said the retaining wall to the south of the property was an existing condition; it had been previously built.

In response to inquiry from Vice Chairman Bagoff, Mr. Neuls stated there would be no changes to the site line(s) or the pattern of ingress and egress.

Mr. Eben stated the retaining wall had been recently built; he questioned if a building permit had been issued. He asked if parking would be allowed in the driveway, if not, would there be no-parking signage/markings, and would there be fire lane markings. He opined the south driveway was the most active on the property. The plan was an improvement; however, he was concerned the driveway be properly marked; he recommended it be a condition of approval. Mr. Neuls said the next witness, Mr. Brietman, would be able to answer questions regarding the retaining wall permit. Mr. Stieber said the Applicant would accept the suggested driveway marking as a condition of approval.

In response to question from Mr. Klein, Mr. Neuls stated the proposed width of the driveway at the curb would be 27 feet and 25 feet for the length of the driveway to parking lot. Mr. Klein suggested a no-parking marking at the curb at the end of the driveway where it entered the parking lot.

Ms. Keller asked if additional landscaping had been considered; Mr. Neuls said that was a question for Mr. Breitman.

The Public had no questions for Mr. Neuls.

Mr. Steiber called Mr. Breitman to the podium; Vice Chairman Bagoff advised him he was still under oath. Mr. Breitman stated he was employed by Haberman West Orange Corporation; he was the on-site property manager. Mr. Breitman stated the contractor hired to build the retaining wall started the project without securing a building permit. The Building Department and Zoning Official issued stop work order until the issuance of a permit. After reviewing the plan, the Zoning Official determined the height of retaining wall did not require Board approval. Approximately thirty new blue spruce plantings had been installed along the south wall perimeter. He said the current driveway width was inadequate to accommodate the vehicular traffic entering and existing; upon completion of its widening; future plantings would include ten fruit trees and five additional blue spruce.

Mr. Gurland suggested a condition of approval the final site plan to indicate the width of the driveway on the South side of the building at three locations - at the Main Street entrance, the southwest corner of the building, and where the driveway met the parking lot. Mr. Steiber said the Applicant would agree to the condition.

Mr. Eben stated the property had bothered him for many years. He asked if the entire parking lot was utilized; was there the opportunity to increase the landscaping to one tree for every ten parking spaces. He opined there was virtually no landscaping in the front of the building. He suggested a condition of approval include the Applicant meet with the Board Engineer and the Downtown Alliance to discuss landscaping. Mr. Breitman said the entire lot was not used; there was landscaping in the front of the building. He said meeting with the Engineer and Alliance was acceptable.

Mr. Russo asked for clarification regarding the proposed landscaping; would parking spaces be eliminated to add landscaping, or additional landscaping installed in the unpaved parking lot areas. He suggested the most distant, unattractive, and unused parking stalls be converted to landscaped areas. Mr. Breitman said new plantings would be installed in the existing green areas where currently devoid of plants or trees. He stated the lot was big; he would try to accommodate converting unused spaces to green areas as per Mr. Russo's suggestion.

Referring to the parking lot, Mr. Klein noted in the upper right-hand corner, there appeared to be two sets of eight tandem parking spaces; he asked for what were they used; who parked there. Mr. Breitman stated the spaces were compliant, they were not often used, but they were utilized.

The Applicant had no further testimony.

The Public had no questions for Mr. Breitman, or comments on the Application.

Vice Chairman Bagoff stated the Applicant was requested three "c" variances; but did not have a planner testify. Mr. Dwyer gave a brief recapitulation of the criteria needed for granting the variance relief for the "c2" and "c1" variances. Mr. Steiber stated the benefits of the proposed Application outweighed the detriments. He said the increase in safety would outweigh any minor increase in impervious coverage.

The Board deliberated. Ms. Keller suggested all existing and new landscaping be properly maintained. Mr. Russo stated Applicant to post escrow to provide for engineering inspection review.

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 will ensure that the existing retaining wall along the right side of the driveway shall be protected and maintained during construction and after.
8. Applicant agrees that the property shall be subject to post construction inspection by the Board Engineer.
9. Applicant shall stripe the newly widened driveway to prevent parking in the driveway and to indicate it is a fire land all per the review and approval of the West Orange Fire Department.
10. Applicant shall revise the plans to show the width of the driveway on the South side of the building at three locations; first at the Main Street entrance, second at the Southwest corner of the building and third where the driveway meets the parking lot.
11. Applicant shall meet with the Downtown West Orange Alliance and the Board Engineer to discuss landscaping.
12. All conditions of approval shall be indicated on the plans.
13. Applicant to post escrow to provide for engineering inspection review.
14. Applicant agrees to maintain all landscaping on site.

The Board voted on the Application as follows:

Motion: Vice Chairman Bagoff

Second: Mr. Eben

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|----------|-----|-----------|--------|---------|--------|---------------|--------|
| Bagoff: | Yes | Carlucci: | Absent | Eben: | Yes | Ghebremicael: | Absent |
| Gurland: | No | Klein: | Yes | Lester: | Absent | McCartney: | Yes |
| Wegner: | Yes | Wilkes: | Yes | Weston: | Absent | | |

Vice Chairman announced a brief recess at approximately 9:30 P.M.; the meeting reconvened at approximately 9:32.

Mr. Wilkes, Ms. Keller, and Mr. Russo left the meeting at approximately 9:30 P.M. Mr. Grygiel joined the meeting at approximately 9:32 P.M.

PB-15-07C/County of Essex/TBZ/Pony Trail Improvements

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

560 Northfield Avenue

Courtesy Review Application.

EXHIBIT(S)

- A-1:** Aerial View of Turtle Back Zoo including existing Pony Trail, dated 4/1/2015, prepared by French & Parrello Associates, PA;
- A-2:** Site Plan for Indoor Pony Arena, signed by Andrew L. French, PE, French & Parrello Associates, PA, dated 4/1/2015;

- A-3:** Construction Details for Indoor Pony Arena-Prefabricated Wood Pavilion, dated 4/1/2015, prepared by French & Parrello Associates, PA
- A-4:** Construction Details for Indoor Pony Arena-Enclosed 6 Stall Prefabricated, dated 4/1/2015, prepared by French & Parrello Associates.

DISCUSSION

Mark L. Fleder, Esq., Connell Foley LLP, special legal counsel to Essex County, presented the Application. He stated the County was proposing a small-scaled project at Turtle Back Zoo to rehabilitate the existing Pony Trail with a prefabricated pavilion, add a prefabricated enclosed 6-stall barn, and flatten out the existing exercise yard.

Keith B. Smith, PE, PP, CME, Senior Vice President, French & Parrello Associates PA, was sworn in, stated his credentials, and was accepted by the Board to be an expert in engineering. Referring to the Exhibits, he described the existing conditions and proposed improvements to the Pony Trail Exhibit. Referencing Mr. Grygiel's memo dated 8/21/2015, he stated five existing trees would be removed and replaced with five new trees to the east of the exercise yard. The existing canvas covered pavilion would be replaced with a prefabricated solid roof wood pavilion, including a small cedar cupola on top in at mid-roof.

In response to question from Councilwoman McCartney, Mr. Smith confirmed the Pony Trail was an existing attraction; the existing conditions included a structure with a canvas top; the improvements included replacing that structure with a permanent, solid roof structure.

In response to questions from Mr. Eben; Mr. Smith said he had not designed the buildings; the presentation included conceptual drawings; a New Jersey licensed architect would sign the final plans. He did not know the actual length of the ADA ramp; he thought it was approximately 45 feet. He acknowledged a ramp must include resting places for every 30 feet; all construction would be code compliant.

Referring to the South Elevation illustration on Exhibit A-3; Mr. Wegner asked for clarification of the height of the open area; Mr. Smith said it was closed height of 8 feet above the grade. Mr. Wegner wanted to know what would prevent the pony from exiting the open area; he voiced concern that mounted riders would not be able to clear the height. Mr. Fleder said the matter was operational, better answered by Zoo administration. In response to Mr. Wegner's question, Mr. Smith said a fence barrier would separate observers from riders.

Mr. Grygiel and the Public had no questions for Mr. Smith.

Brint Spencer, Director, Turtle Back Zoo, was sworn in, stated his credentials, and accepted by the Board to be an expert witness. Mr. Wegner asked if there was a barrier between the pony course and observers; Mr. Spencer confirmed there was currently a fence barrier; the new structure would also have a fence. He described the proposed structures method of ingress and egress. One staff member walked the pony; another assisted the mounted rider. He stated the pony and rider was under control for the ride entirety. The height of the rafter at the lowest point was not an issue.

In response to question from Mr. Eben, Mr. Spencer the new solid roof structure would have lighting and ceiling fans.

Mr. Grygiel and the Public had no questions for Mr. Spencer. There was no further testimony.

Mr. Eben suggested a condition of the Recommendation include the final plans be approved and signed and sealed by a New Jersey licensed architect.

The Board voted on the Review and Recommendation as follows:

Motion: Mr. Eben

Second: Vice Chairman Bagoff

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

DISCUSSIONS

Councilwoman McCartney told the Board she had received an email from Brendan Gill, County Freeholder advising of an opportunity for a \$50,000 to \$100,000 grant from Southwest Airlines to revitalize public spaces. She read the purpose of the grant and requirements for consideration. The Board said they would consider possible projects for the grant application.

Mr. Eben addressed the Board; he stated they all worked hard to consider an application's conditions of approval when deliberating; he said property at the 7-Eleven site (516 Valley Road) was in deplorable condition. He asked the Board compose a memo the Zoning Official to investigate and report findings back to Board. Vice Chairman Bagoff directed Mr. Dwyer to compose a memo to the Zoning Official regarding the site and report back to Board within 30 days.

Mr. Eben asked Mr. Grygiel for an update on recently approved Applications; several had been approved over the past six to eight months. Mr. Grygiel said all applications had conditions of approval; they were in various stages of completion. He noted the property at 222 Main Street had recently hired a new architect.

Vice Chairman Bagoff asked Mr. Grygiel for clarification regarding the zones of a Township golf course. Mr. Grygiel said the recommended changes proposed by the 2010 Master Plan to change a golf course from an R-2 to R-1 zone had not been implemented. His 2010 recommendation was to re-zone all golf courses to R-1. Vice Chairman Bagoff suggested the Board consider a recommendation to Council to re-zone all golf courses to R-1 zone. The Board discussed the matter; it was decided the Secretary would investigate and report to the Board whether the 2010 recommendation had gone to the Council for consideration. The discussion would continue when Chairman Weston was present.

MEETING ADJOURNED at approximately 10:27 P.M.

Minutes adopted March 2, 2016.



Robin Miller, Secretary
Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY APRIL 6, 2016
AT 7:30 P.M. IN COUNCIL CHAMBERS**