

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
MEETING MINUTES  
October 4, 2017**

The Township of West Orange Planning Board held a regular meeting on October 4, 2017 at 7:30 P.M. in the Council Chamber, 66 Main Street, West Orange, New Jersey.

Mr. Weston called the meeting to order at approximately 7:44 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

**PLEDGE OF ALLEGIANCE**

Mr. Weston requested all persons stand for the Pledge of Allegiance.

**ANNOUNCEMENTS**

The next Planning Board regular meeting will be November 1, 2017 in the Council Chamber at 7:30 P.M.

**ROLL CALL**

**PRESENT:** Chairman Robert Bagoff (7:57 P.M.), John Cardoza, Jerome Eben, Michael Keigher, Councilwoman Susan McCartney, Andrew Trenk, Gary Wegner, Ron Weston, William Wilkes II

**ABSENT:** Tekeste Ghebremicael, Vice Chairman Lee Klein

**ALSO PRESENT:** Paul Grygiel, Township Planning Director  
Eric Keller, Township Consulting Engineer  
Patrick J. Dwyer, Esq., Board Attorney  
Robin Miller, Board Secretary  
Harvey Grossman, Esq., Public Advocate

**ADOPT MINUTES**

The minutes of the September 6, 2017 Planning Board meetings were unanimously adopted.

**SWEARING IN**

Township Professionals: Paul Grygiel, AICP, PP, Township Planner and Eric Keller, PE, PP, Township Consulting Engineer.

**CORRECTED RESOLUTION**

**PB-17-03/Crestmont Country Club by Scott Wlodychak**

Block: 174, Lots: 1 & 1.01, Zone: R-2

750 Eagle Rock Avenue

Preliminary and Final Site Plan with "C" variances.

Approved 5/3/17

Adopted 6/7/17

Mr. Dwyer advised the Board there were corrections identified by the Secretary, including the Applicant's address and the date of the Approval.

The Board voted on the corrected Resolution as follows:

**Motion:** Mr. Eben

**Second:** Mr. Cardoza

Cardoza:	Yes	Trenk:	Yes
Eben:	Yes	Wegner:	Yes
Ghebremicael:	Absent	Weston:	-
Klein:	Absent	Wilkes:	-
Keigher:	Yes	Bagoff:	Absent
McCartney:	-		

Mr. Weston announced a brief recess at approximately 7:51 P.M. to allow for the arrival of Chairman Bagoff to hear Application PB-17-08/Crestmont Country Club. Chairman Bagoff reconvened the meeting at approximately 7:57 P.M.

### **APPLICATION**

#### **PB-17-08/Crestmont Country Club**

Block: 174, Lots: 1 & 1.01, Zone: R-2

750 Eagle Rock Avenue

Preliminary and Final Major Site Plan with "C" variances.

*Carried from the September 6, 2017 regular meeting.*

### **APPLICANT EXHIBITS**

- A-1:** Main Level Furniture Floor Plan, Page 4A, dated 9/1/17, JGA Architectural Design;
- A-2:** Lower Level Floor Finishes Plan, Page 2, dated 9/1/17, JGA Architectural Design;
- A-3:** Main Level Floor Finishes Plan, Page 4, dated 9/1/17, JGA Architectural Design;
- A-4:** Proposed Exterior Renderings (2) Guest & Member Entry View, Course View, Page 6, dated 9/1/17, JGA Architectural Design;
- A-5:** Proposed Exterior Color Rendering – Finishes for Guest Entry, Roof, Ladies Lounge, Front & Side Elevations, Page 7, dated 9/1/17, JGA Architectural Design;
- A-6:** Pool Plan, Page 26, dated 9/1/17, JGA Architectural Design;
- A-7:** Exterior Pool Rendering, Page 27, dated 9/1/17, JGA Architectural Design;
- A-8:** Lower Level Floor Plan, part of response letter dated 9/4/17; 3 drawings A1.0, A1.1, A3.1 (undated) issued in response to Bowman Memo dated 8/31/17 (Exhibit for Testimonial Purposes only);
- A-9:** Color Rendering Site Plan, Drawing No. 17-126-SP-1, dated 8/31/17, Boswell Engineering;
- A-10:** Color Rendering Steep Slope Analysis-Existing Conditions, Drawing No. 17-126-SS-1, dated 9/1/17, Boswell Engineering;
- A-11:** Site Plan Drawing Set, 17 Sheets, Revised 8/24/17, Boswell Engineering

### **DISCUSSION**

Richard J. Angowski, Jr., Esq., Olender Feldman, appeared on behalf of Applicant. He stated the hearing was a continuation of the the September 6, 2017 meeting. Subsequent to that meeting, the Applicant had submitted updated and revised plans. The revised plans had removed a portion of the Application that had raised some consternation with some

members of the Public, and had also increased the scope of the Application. He opined that the removal of that portion of the Application changed the type of the Application from a Major to Minor Site Plan. There would be some brief testimony from Applicant's architect, Wayne Jacques, in reply to comments based on revisions and from Applicant's engineer, Jeffrey Morris, Boswell Engineering, to testify on engineering and planning. Mr. Angowski stated the Applicant had initially proposed a new exit driveway; however, after receiving comments from the Board and Public, the Applicant determined to remove the proposed driveway from the plan. The Applicant was concerned about the environmental impact of tree removal and the Public comments stating the lack of a necessity for a new driveway. By removing the driveway, the Applicant would save many trees. The Applicant also conducted a safety analysis and believed the driveway safe as it currently existed; however, they still maintained the proposed driveway might have provided an optimization of egress from the property. The Applicant had also conducted an OPRA request to the Township for accident reports from the past five years and determined that no accidents had occurred within that period at the club's current point of egress. The club would ensure the site triangle would be clear so that vehicles exiting both left and right had a clear line of sight.

Mr. Angowski called Wayne J. Jacques, AIA, JGA Architectural Design, to the podium to address the comments he had received from the Township professionals regarding his revised plans. Mr. Dwyer advised Mr. Jacques he had testified previously and was still under oath.

Mr. Jacques responded to Mr. Keller's review memo dated 9/29/17; referencing Item #39, (*"The dumpster enclosure detail should be revised to include its width and footing information The response letter indicated that this information is shown on sheet A0.1, but has not been provided."*), Mr. Jacques stated he would resubmit the sheet with all the required information. Referencing Item #40, (*Architectural plans should show materials and colors for the proposed improvements.*), he stated he would also resubmit revised sheets A5.1, A5.2 and A5.3 clarifying all requested details. Mr. Keller stated he was satisfied with Mr. Jacques testimony; he advised the Board to make it a condition of any approval the Board would grant to have the Applicant provide the information as testified.

Chairman Bagoff asked the Board if they had any questions for Mr. Jacques.

Mr. Eben stated there were approximately a half-dozen dumpsters on the site, he understood the plan referenced the main dumpster, but he wanted to know about all the other ones on the property. Mr. Angowski stated a representative of the club could answer the question.

The Public Advocate had no questions for Mr. Jacques.

Chairman Bagoff asked the Public if they had questions for Mr. Jacques.

Robert Rashkes, 35 Oak Crest Road, stated (the Applicant) had performed a traffic study about accidents occurring at the existing exit driveway; he asked if the accident analysis also covered the entire perimeter of the property area from Eagle Rock Avenue to the club's property line. Mr. Angowski stated the Applicant had not done a traffic study; the WOPD provided the accident report information in reply to OPRA request submitted by Applicant. The area of the report covered the most recent five-year period for the area of Eagle Rock Avenue between Laurel Avenue and Wakeman Street; he stated that although there had

been some accidents, none had occurred at the exit site. Mr. Rashkes asked if any of the accidents involved pedestrians walking on the site of Crestmont Country Club. Mr. Angowski stated not to his knowledge. Mr. Rashkes stated (the Applicant) testified the exit driveway was currently "safe as it is" and there would be no sight impediments when vehicles exit. Mr. Angowski stated that was part of his opening statement. The engineer would provide further testimony about the exit driveway; that would be a better question for him to answer.

Robert Daniel, Buckingham Road, asked what was the estimated cost of the entire Application. Chairman Bagoff asked Mr. Angowski if that testimony had been entered in to the record. Mr. Angowski answered no. Chairman Bagoff advised Mr. Daniel the question was not relevant to the testimony. Mr. Daniel stated he was still asking the question per the uniform construction code application; he said he assumed the Applicant knew the estimated cost of the work. Chairman Bagoff asked Mr. Jacques if he knew the estimated cost of the work, and could he testify to the matter based on his knowledge. Mr. Jacques stated no. Mr. Daniel stated the President of the country club was present. Chairman Bagoff stated (the President) was not currently testifying. Mr. Daniel stated that since only the architect was presently testifying, could he ask the same question again. Chairman Bagoff said yes.

There were no further questions for Mr. Jacques.

Mr. Angowski called his next witness, Jeffrey Morris, PE, PP, Boswell Engineering, who was both engineer and planner for the project. Mr. Dwyer asked Mr. Morris if he understood he was still under oath; Mr. Morris stated yes.

Mr. Morris stated the original plan included a new exit driveway at the northerly portion of the parking lot exiting opposite Oval Road on to Eagle Rock Avenue. After listening to the concerns expressed at the previous meeting he did a personal analysis of the current intersection; he measured the site distance to the east, which was approximately 475 feet; the site distance to the west was over 500 feet; both site distances were ample for a 40 MPH road. He stated there were some very high weeds that would be trimmed and landscaped. Weeds would no longer become overgrown; there would be a permanent landscaping maintenance plan. He stated (at the previous meeting) numerous people had asked about accidents at the existing exit; he had obtained accident reports from the Township for the past five years for the area of Eagle Rock Avenue between Laurel Avenue and Wakeman Street. Over the last five years there had been approximately forty accidents, the vast majority occurred at either Laurel Avenue or Oval Road. There had been only one accident in the area of the club's exit due to a motorist heading east trying to merge right then hit a car also heading east. The accident was not the result of a vehicle exiting the club's driveway. Mr. Morris stated the original plan called for the total removal of approximately sixty-eight trees; the revised project removed a total of twenty-nine trees, saving forty-four trees. He stated where the new driveway had previously been proposed, a new water line would still be installed for fire protection and rude domestic water. A total of eleven trees would be removed to run the line; nine within 75 feet of the property line along Eagle Rock Avenue, and two outside of the 75 feet area.

Mr. Morris stated the steep slope concerns along Eagle Rock Avenue and the rear parking area discussed at the previous meeting had been addressed. The revised plan would only

disturb the steep slope in the area of the small section to install the two water lines, and the area between the pool house. He stated the new plan proposed a net gain of fifteen trees.

Regarding the parking lot plan, Mr. Morris stated they reduced the area of pavement in auxiliary lot area and replaced with tree plantings, the plan reorganized the club's parking lot to include the addition of two spaces near the pool area for a total of 249 parking spaces. Mr. Morris stated that since the previous meeting, he had the course arborist review the trees questioned for removal. The arborist had determined that all the trees were dead or dying and should be removed; he listed the trees slated for removal.

In response to question from Mr. Angowski, Mr. Morris stated the revised plan made the parking lot much more organized; islands would be installed to further channelize traffic; he believed he had optimized the maximum possible number of parking spaces.

In response to a resident's question from the previous meeting regarding installing a chairlift instead of a ramp, Mr. Morris explained that for this project, a ramp would provide better access for all persons. In addition to making the area ADA accessible, it would make it easier for parents who had young children in strollers.

Mr. Morris stated the revised plan improved the site's impervious coverage, making it slightly less. In response inquiry from Mr. Dwyer, Mr. Morris stated the existing maximum lot coverage was 8.42%, proposed was 8.45%; the maximum lot coverage permitted (in R-2 Zone) was 30%.

Mr. Angowski asked that Mr. Morris respond to Mr. Keller's review memo dated 9/29/17; Mr. Keller stated that if Applicant agreed to complete all requests, it was not necessary to respond point-by-point before the Board. Mr. Angowski stated he would like to clarify that a couple of Items had already been satisfied - Item #20, (*Copy and/or delineation of any existing or proposed deed restrictions or covenants.*) and Item #21, (*Any existing or proposed easement or land reserved for or dedicated to public use.*) Mr. Keller confirmed the items were satisfied. He stated the only easement the Applicant would have to deal with was the one with Public Service – they had an easement for lights, but it had no impact from a land use perspective. Mr. Keller stated Item #45 (*Landscaping plan & details prepared by a professional landscape architect.*), was for the Board's action; it was an ordinance requirement. Under State regulations, engineers were permitted to sign for landscape plans. He stated it was technically a waiver to Township ordinance. Mr. Angowski stated he was formally requesting the waiver.

Mr. Angowski stated if Mr. Keller did not wish to discuss the memo point-by-point, he would defer to him if he did have any questions for Mr. Morris. Chairman Bagoff suggested Mr. Morris testify to those items in need of further discussion.

Item #4, (*Engineer shall provide testimony regarding the guard booth.*), Mr. Morris stated the booth would be removed.

Item #6, (*The island at the northern end of the single loaded parking bay adjacent to the service court should be extended to reduce the pavement area.*), and Item #21, (*...Consideration should be given to reducing the large pavement area in the parking lot adjacent to the loading/refuse area...*). Mr. Keller asked Mr. Morris consider to make the areas more defined and attractive. Mr. Morris stated that because of the turning movements in some parts of the service area and golf cart traffic in other areas, he was reluctant to

eliminate some of the pavement. Referring to Site Plan Sheet 12 of 17, (last revised 9/21/17), Mr. Morris identified the area and described the turning movement. He stated the plan had been upgraded from SU-30 Single-Unit Truck, to an SU-40 Single-Unit (three-axle). Mr. Keller stated the plan should provide some sort of striping and arrows to indicate how vehicles maneuver through the lot, and he wanted more trees planted in the area. Mr. Morris agreed to the condition; he stated he would add striping and arrows to the plan to indicate channelized traffic flow, he would flip the direction for the service vehicles. He said he could put some knockouts in the curbing to add some trees. Mr. Keller stated he was satisfied.

Item #7, *(It appears the parking layout could be further modified to enhance its efficiency...the large pavement area located north of the pool house should be designed with 24" wide isle widths, curbed islands, and additional parking to minimize the parking deficiency...Additionally, the handicap parking spaces should be moved closer to the pool house.)* Mr. Keller stated that the Applicant was removing a tree in the parking lot area north to the pool house; the tree was located on a small paved island. He stated there was room for a couple of additional spaces. Mr. Morris stated there was room for four additional spaces; he thanked Mr. Keller for the suggestion because it helped with the grading of the handicapped spaces.

Item # 8, *(Testimony should be provided regarding the methods to resurface the parking lot and if it will include milling...)* Mr. Morris stated yes, the parking lot would be milled and resurfaced.

Item #11, *(Testimony is to be provided regarding the need for a handicapped space and accessible route to the most northerly one-story building adjacent to the overflow parking area.)* Mr. Morris stated he did not know if there was a need, but the Applicant would comply with the request to include a handicapped space if required by code.

Item #14, *(We recommend walkways for patrons along the front of the main building to minimize walking in the main drive aisles.)* Mr. Morris stated the he had added the walkway.

Item #24, *(There is limited lighting (via floodlights) of the existing overflow parking area, which should be eliminated and a lighting design provided conforming to Township requirements.)* Mr. Keller asked if it was still the Applicant's intent not to change the existing lighting. Mr. Morris stated no revision was proposed. Mr. Keller asked if there was a reason the club did not want to install a lighting system that conformed to Township standards. Mr. Morris stated the club used the overflow parking area rarely at night; they did not want to add poles and curbs for islands. Mr. Angowski stated that if the Board would permit, the club would probably restrict access to the overflow lot during nighttime hours; if not, he would ask the club if they would reconsider. Mr. Keller stated the Board should consider the appropriateness of limiting access to the area during nighttime hours. It would be difficult to enforce if there was a large nighttime event. The area was illuminated; it just did not conform to Township standards.

Item #25, *(Provisions for security lighting are to be discussed in testimony, including the hours of illumination, and if there are different requirements for different portions of the site.)* Mr. Keller asked if the lights in the overflow area were dusk-to-dawn photocell. Mr. Morris stated the Applicant planned to install dusk-to-dawn with motion detectors on some of them. Mr. Keller stated the final plans identify the lights to be on all the time; the rest of the lights

be equipped with motion detectors set at 25% power, then to full-power when there was motion. He stated the Board should consider the item a condition of approval.

Item #33, (*The applicant's engineer shall investigate the re-routing of the proposed water lines with the use of additional fittings to avoid trees or minimize tree removal.*) Mr. Keller asked if the Applicant had any issue with refining the actual route of the water line to minimize tree removal. Mr. Morris stated he had no problem refining the route; however, he did not want to add twenty fittings and thrust blocks of a water line to save three or four trees, but would be willing to move the water line a few feet to save a tree. Mr. Keller stated he was satisfied; he would work with Mr. Morris on the item.

Mr. Keller asked Mr. Morris to confirm he would add to the final plans the proposed clearing of underbrush at the exit driveway and east and west right-of-way, and the proposed treatment of landscaping to keep the area clear of underbrush in the future. Mr. Morris stated yes.

Mr. Keller had not further questions for Mr. Morris.

Chairman Bagoff asked the Board if they had questions for Mr. Morris.

Councilwoman McCartney stated she had a question for Mr. Keller regarding the guardhouse; she asked for clarification. Mr. Keller stated its disposition was unclear, he had wanted to know if it was staying or being removed.

Councilwoman McCartney asked Mr. Morris if shade trees would be planted in the parking islands he had discussed. Mr. Morris answered yes; two shade trees would be planted on each island. She asked if it was his testimony that the Fire Official had determined the location of the water line. Mr. Morris answered no; his testimony with Mr. Keller stated he had no problem moving the water line a few feet to save a tree.

Captain Keigher asked Mr. Morris to discuss in greater detail the proposed plan for the lower parking area and the existing driveway; specifically milling, curbing, and lighting. He asked if the driveway would be curbed and lit going down to Eagle Rock Avenue; would pedestrians have safe access to walk from the driveway through the lot. Mr. Morris stated there was lighting proposed for the upper lot area and some existing lighting in the lower lot and driveway area; there was nighttime illumination for pedestrians to walk the driveway. Captain Keigher asked if the driveway was wide enough. Mr. Morris stated it was 15-ft. wide; there were "Do Not Enter" signs; once a vehicle was in the lower lot area, it could not return to the upper lot area, it could only exit. He stated the existing driveway was stable; it would not be curbed.

Mr. Weston asked Mr. Morris to confirm he had reduced the impervious coverage and had increased the number of parking spaces. Mr. Morris answered yes. Mr. Weston stated the Township Forester had issued a memo this date; he asked Mr. Morris to address (the Forester's) findings. Mr. Morris gave a brief recapitulation of the memo dated 10/4/17, that stated the (Tree Removal) plan called for the removal of nine major trees within 75 ft. of Eagle Rock Avenue, one of the nine trees was within the Essex County right-of-way; the tree removal was all for the purpose of installing the new water line. The landscaping plans were fine but did not address restoration of the site disturbance in the vicinity of the proposed water line. Mr. Morris stated that erosion standards required the restoration of disturbed area so it remained stable; he stated the Applicant would restore the disturbed

area; he would immediately plant grasses or ground cover to stabilize the area so there would be no erosion. Mr. Weston stated the item would be a potential condition of approval for the Board to consider.

Mr. Weston asked if the Applicant would be willing to making the lighting plan in the auxiliary parking area conform to Township standards. Mr. Angowski stated that as a condition of approval the Applicant would make the lighting plan conform to Township standards.

Mr. Eben asked Mr. Morris to put the revision for moving the water line 4 ft. to avoid a tree on an "As-Built" drawing. Mr. Morris stated yes; any modification to a water or sewer line would be indicated on an "As-Built" drawing. Mr. Eben asked why the Applicant did not use the existing driveway to run the water line. Mr. Morris stated the proposed route had been discussed extensively; it was a shorter route and the water company determined it a better location to connect in to the system. Referring to the parking lot area, Mr. Eben asked why Mr. Morris did not put trees every ten spaces along the perimeter lines to break up the long perimeter line. Mr. Morris stated that along the northwesterly line he did plant trees wherever possible; there were already many trees area between the main and auxiliary parking. Mr. Eben stated he interpreted the Township ordinance to read for every ten (10) spaces, the eleventh space was a tree well. Mr. Grygiel read the ordinance, "*There shall be a minimum of one (1) tree plus ground level planting for each ten (10) parking stalls proposed.*" Mr. Grygiel stated he interpreted the ordinance to read the number was a ratio to determine the minimum number of trees required for landscaping a parking lot; the intention being not to have a barren lot. Mr. Grygiel stated it appeared the Applicant had attempted to meet the intention of the ordinance. Mr. Eben stated he was concerned about eliminating the valet booth; Mr. Morris stated it was primarily a guard booth; the valet service was at the porte cochere. Mr. Eben asked if many patrons self-parked; Mr. Morris stated that was a question for club management.

Mr. Keller asked Mr. Morris to confirm the Applicant would comply with all the items on his memo (dated 9/29/17) except for Item #17, (*The drive aisle from the main parking area to the overflow parking area scales 15 feet wide, with is not acceptable for two-way driveways.*) Mr. Morris answered yes; he did not want to widen the drive isle. He confirmed he would add signs. Mr. Keller stated that as long as there was signage, he was satisfied.

The Public Advocate had no questions for Mr. Morris.

Chairman Bagoff asked the Public if they had questions for Mr. Morris.

Robert Rashkes, 35 Oak Crest Road, asked if the accident analysis along Eagle Rock Avenue indicated any of the accidents were due to weather conditions such as icing, or skidding during snowstorms or rainstorms. Mr. Morris answered yes, some occurred during rainstorms and during the winter. Mr. Rashkes asked if it was possible that any of the accidents were due to water run-off from the property on to Eagle Rock Avenue. Mr. Morris stated he did not know of any run-off from the property on to Eagle Rock Avenue. Mr. Rashkes asked if Mr. Morris had analyzed the driveway exit to determine if water runoff went in to the catch basin or on to Eagle Rock Avenue. Mr. Morris stated he had not been at the site during a storm; he assumed the catch basins were placed properly; the club had never received complaints regarding the issue. Mr. Rashkes asked if the club maintained the weeds. Mr. Morris stated the weeds were not currently maintained; however, the

Applicant had developed a landscape maintenance plan for the area. Mr. Rashkes asked if Mr. Morris had analyzed safety issues for cars exiting club after the Eagle Rock Avenue had been snowplowed. Mr. Morris answered no; however, he had measured the sight distances the previous week, and there were no accidents out of the driveway according to the Township accident report. Mr. Rashkes asked if there was a plan for pedestrians to safely cross Eagle Rock Avenue from the property. Mr. Angowski stated he was unsure who would testify regarding pedestrian crossings. Mr. Rashkes asked if there was a plan for pedestrians exiting the driveway to cross Eagle Rock Avenue; was there a plan to install crosswalks, curb ramps or sidewalks. Mr. Morris stated there were no curbs on the driveway. Mr. Angowski stated the exit frontage was on the County right-of-way. Mr. Morris stated there were no plans to install those elements.

Sally Malanga, 57 Ridge Road, asked Mr. Morris to show the route of the new water line through the forest. Referring to Site Plan Sheet 14 of 17, Mr. Morris indicated the route. He stated nine trees within 75 ft. of the property line would be removed, plus two trees outside the 75 ft. boundary. Ms. Malanga asked if any of the trees were over 10" DBH (diameter at breast height). Mr. Morris answered yes. Referring to Drawing No 17-126, he listed the trees the within the 75 ft. boundary slated for removal. Ms. Malanga asked if those trees were currently marked for removal. Mr. Morris answered no. Ms. Malagna asked if the Township Forester would be responsible for marking the trees. Mr. Morris answered no; the Applicant's professional would survey the line and mark trees. Mr. Keller stated Mr. Linson would be involved in the process. Ms. Malanga asked why Applicant chose to request a waiver for a landscape architect. Mr. Angowski stated NJ State statute requirement stated engineers could provide a landscape plan; the Township ordinance was more restrictive; Mr. Morris had been a qualified engineer for many years and had testified to his expertise regarding the trees. Ms. Malanga asked what was the plan to make sure the trees thrived in the parking lot. Mr. Morris stated it was a matter of maintenance; the club was fortunate to have a full-time maintenance crew that worked every day to oversee the trees. Ms. Malanga asked if there would be an irrigation system in the parking lot. Mr. Morris answered no. Ms. Malanga asked if tree species had been chosen; what determined had the basis for those choices. Mr. Morris stated primarily Red Maples and Sugar Maples; those were the primary species already growing in the area; also, some American Red Oaks based on Mr. Keller's request. Ms. Malagna asked for description of the type of grass proposed to restore the disturbed area; was it specific to a restoration project in a forested area. Mr. Morris stated stabilized grass or ground cover species that accorded soil conservation standards. Ms. Malanga asked if Mr. Morris would be open to suggestions from a restoration expert. Mr. Morris answered yes. Ms. Malagna asked for clarification regarding Mr. Keller's memo dated 9/29/17 - Completeness Item #21; what part of the club property was designated for public use. Mr. Angowski stated there was no club property dedicated for public use; the comment was a request to provide evidence if there had been land dedicated. It was a checklist item to provide Mr. Keller with Title information about the property. He restated there was no land dedicated for public use.

Robert Daniel, 2-B Buckingham Road, stated his first question was directed to the Board; his background for the question was positioning Township Ordinance Chapter 25-46, pursuant to NJ Statue 40:55D-23, and pursuant to Article I, General Provisions of Municipal Land Use Law, Title 40:55-2 (*sic*), Purpose of the act. It is the intent and purpose of this act: subsection a. To encourage municipal action to guide the appropriate use or development

of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare. He stated he was asking on behalf of the citizens of West Orange; those present and those for religious reasons were not present and had sent emails to the Board asking for the meeting to be postponed. Mr. Dwyer asked Mr. Daniel if he understood the difficulty with the request. Mr. Daniel answered yes. Mr. Dwyer stated he had sent a response with an explanation to Mr. Daniel. Mr. Daniel stated he did not know if a response was sent. Mr. Daniels asked if the Board understood the difference between the Applicant's presentation on September 6, 2017 and what was presented tonight; in light of Mr. Keller's numerous questions, his memo of 9/29/17, the answer of 10/4/17, and all the back and forth tonight; was the Board is familiar with that (*sic*). Mr. Dwyer instructed Mr. Daniel to direct his question to the witness. Mr. Daniel asked if Mr. Morris had considered the recommendations found in the 2010 Township Master Plan Update regarding pedestrian access, specifically page 80 (*sic*), which referred to the fact that all new applications for development should include sidewalks along all the roadways. He stated the application did not include sidewalks on Eagle Rock Avenue and Laurel Avenue; he asked why the application did not include sidewalks. Mr. Angowski asked Mr. Daniel if he had a copy of the section of the Master Plan. Mr. Daniel answered no; he stated the Applicant should be familiar with the Master Plan before providing an Application. Chairman Bagoff stated the Master Plan was not the ordinance, it made suggestions; the Parking Ordinance was where that specific area regarding sidewalks was defined. Chairman Bagoff stated the question (*sic*) was, had the Applicant looked at the Parking Ordinance, understood it, and why did they decide not to install sidewalks. Mr. Morris stated they had looked at the ordinance and did not feel they were required to provide sidewalks in accordance to the ordinance. He stated if the Applicant were to provide sidewalks along their property on Laurel and Eagle Rock Avenues, it would probably create more impervious coverage that currently existed on the entire club property. It would also require the removal of approximately two dozen trees along Eagle Rock Avenue and even more along Laurel Avenue. Mr. Daniel asked if the Applicant's engineer or attorney could provide the estimated cost of the work contained in the Application. Chairman Bagoff stated the question was not related to land use; it was not relevant to the Board making a decision on the Application. He denied the question. Mr. Daniel asked why wasn't the proposed line for gas and water utilities being run along the existing driveway. Mr. Morris stated it was only for water; the new line was a much shorter route and there would be less disturbance; trees would be avoided if possible. Mr. Daniel asked how many projects had Mr. Morris done where the water line deviated from the roadway. Chairman Bagoff stated the question was not relevant to the Application. Mr. Daniel asked how many employees traveled by public transportation to the club. Chairman Bagoff stated the question was not relevant to land use. Mr. Daniel asked why the club was asking for a variance from a landscape architect. Chairman Bagoff stated it was a waiver; he asked Mr. Angowski to respond. Mr. Angowski stated the waiver had been requested because they proffered the Board that as a professional engineer, the State statute qualified Mr. Morris. Mr. Daniel asked how pedestrians would walk to the club. Mr. Angowski stated pedestrians did not walk to the club. Mr. Morris stated it was a private club; members drove to the club. Mr. Daniel asked if the existing driveway would be resurfaced. Mr. Morris answered yes. Mr. Daniel stated he had seen that water runs off the property on to Eagle Rock Avenue after every rainstorm on to Eagle Rock Avenue; and in during the winter thaw and freeze cycle when there was snow on the ground, that creates a hazardous icing condition along the southern eastbound curve of Eagle Rock Avenue. He asked how was

the Applicant currently addressing the water that ran off the property on to Eagle Rock Avenue. Mr. Morris stated he was not aware of the issue but would study the matter; the catch basin was located right at the northeast corner of the driveway. Mr. Daniel stated he was asking about the storm water runoff coming between Laurel Avenue and the driveway; the steep slope area. Mr. Morris asked if Mr. Daniels was referring to the natural wooded area. Mr. Daniel answered yes. Mr. Morris stated there were no provisions. Mr. Daniel stated that was something for the Board to consider. Mr. Daniel asked Mr. Morris to identify on one of the drawings the area of the tennis bubble that was approved in May 2017. Chairman Bagoff stated the question was not relevant to the Application, but Mr. Morris could answer. Mr. Morris stated he did not know exactly where it was located; he did not have plans that showed that area of the property. Chairman Bagoff stated the area was outside the boundary of the Application. Mr. Daniel asked what was the width of disturbance for the proposed water line. Mr. Morris stated it was an estimated 10 ft. to 12 ft. Mr. Daniel asked if the discussion regarding a ramp versus chairlift was for inside or outside the building. Mr. Morris stated it was outside the building.

There were no further questions for Mr. Morris based on his testimony as the Applicant's professional engineer.

Mr. Angowski stated Mr. Morris would provide planning testimony regarding the requested variances. He asked Mr. Morris to address the steep slope concerns discussed at the previous meeting. Mr. Morris stated the revised plans eliminated the proposed driveway; there were still two very small sections of steep slope from the water line. as he previously testified, there was a constant steep slope along Eagle Rock Avenue right behind the right-of-way line; the slope a result of the excavation to create Eagle Rock Avenue; and another steep slope located right at the outside of the club's parking area that was a result of creating the structured parking area. He stated there would be a minimal temporary disturbance of four feet until the water line was completed.

Mr. Morris stated the previous plan proposed 249 parking spaces; the revised plan proposed roughly 255 spaces. He stated the current parking area was not organized; the proposed plan would have better access and circulation; he believed the proposed 249 spaces (plus possible six (6) additional spaces), would be sufficient for the site. He opined there was no detriment to the public good; the club was self-contained; vehicles would not park on surrounding streets. In response to question from Mr. Dwyer, Mr. Angowski stated the Applicant was proposing a parking variance for 249 spaces, but hoped to add more spaces.

About the steep sloop concerns in the pool deck area; Mr. Morris opined the new additions were necessary; the new deck addition and ramp would create more handicapped access to the pool and pool area. He opined there would be no detriment to the public good; the existing steep sloops had been artificially created.

Chairman Bagoff asked the Board if they had questions for Mr. Morris.

Mr. Eben stated the club hosted and outside event on Monday with approximately 300 cars parked all over the place; there was no way for a fire engine to gain access to the building. He stated he was concerned about granting a parking variance for 249 cars. Mr. Morris stated he had discussed the matter with the club; the event on Monday was unusual. He stated the current lot was not defined; the new plan clearly defined the lot.

Mr. Grygiel asked Mr. Morris to confirm the Applicant was proposing to increase the number of parking spaces over existing. Mr. Morris answered yes; roughly five or six spaces. Mr. Grygiel asked Mr. Morris to confirm the intention was not to increase the club membership or activity at the club. Mr. Angowski confirmed that was the former testimony.

Mr. Keller asked if Applicant agreed to provide no parking fire lane signage and striping as required by the Fire Official. Mr. Morris answered yes.

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

Chairman Bagoff stated the Township had a natural features ordinance; there were steep slopes. He asked Mr. Morris to confirm it was his testimony the steep slopes were all man-made; manufactured by either the expansion of Eagle Rock Avenue or the expansion of the parking lot area. Mr. Morris answered yes. He stated he had walked all three areas.

Chairman Bagoff asked Mr. Morris to confirm it was his testimony that if the Board was to impose sidewalks along Eagle Rock Avenue or Laurel Avenue, it would result in an extensive amount of tree removal and disturbance of land. Mr. Morris answered yes. Chairman Bagoff asked Mr. Morris to confirm that Eagle Rock Avenue was a County road and prior approval would be required. Mr. Morris answered yes.

Chairman Bagoff announced a brief recess at approximately 9:19 P.M. He reconvened the meeting at approximately 9:27 P.M.

Mr. Angowski called Timothy Clinton, General Manager, Crestmont County Club, to the podium to discuss the parking issue and dumpster issue. Mr. Clinton was sworn in under oath.

Mr. Clinton stated that currently there two dumpsters in an enclosure behind the kitchen area, one 8-yd. dumpster at the golf course maintenance facility, and a temporary dumpster used to remove debris from the property. He stated the permanent dumpsters were a necessity to control for everyday refuse; they were emptied several times per week.

Chairman Bagoff asked Mr. Clinton if during the Monday event, were any cars were parked along Eagle Rock Avenue, Laurel Avenue, or across the street. Mr. Clinton answered no. Chairman Bagoff asked if to his knowledge, any accidents had occurred. Mr. Clinton answered no. Chairman Bagoff asked Mr. Clinton to confirm that all guests arrived safely, left safely, and all vehicles had parked on the physical property of the club. Mr. Clinton answered yes.

Chairman Bagoff asked the Board if they had questions for Mr. Clinton.

Councilwoman McCartney asked if a fire truck would have had access to the property during the event on Monday. Mr. Clinton stated he was not qualified to answer.

Captain Keigher asked if there was a contingency plan if needed for large events using valet service for off-site parking. Mr. Clinton stated yes, if the club had an event that exceeded their numbers, they would make advance arrangements for parking in non-traditional areas.

Mr. Eben asked if the club hired a valet company or their own employees. Mr. Clinton stated the valets were club employees. Mr. Eben asked if going forward for large events, Mr. Clinton would instruct his valets to keep the fire lines open. Mr. Clinton answered yes.

Harvey Grossman, Esq., Public Advocate, asked if the Applicant would agree as a condition of approval to have parking supervision or extra attendants in the case of an event when a large number of vehicles were anticipated. Mr. Clinton answered yes.

The Public had no questions for Mr. Clinton.

Mr. Angowski stated he had no further witnesses for the Application.

Chairman Bagoff asked the Public if they had comments on the Application.

Sally Malanga, 57 Ridge Road, was sworn in under oath. She stated Crestmont Country Club was a business that relied on selling the beauty of nature to its members. She stated that smart planning required nature first then working around it to make the most attractive project; she thanked the Applicant for working to that goal. She stated she was still deeply concerned about the 10-ft. wide disturbance between the forest and killing more than nine trees. She asked the Applicant to consider some sort of compromise by putting the water line along the road.

Loren Svetvilas, 699 Prospect Avenue, was sworn in under oath. He stated the revisions look much better. He stated his issue was not with the Application but rather the process. He stated from listening to the hearing the Application was not just a renovation; it was in essence a new golf course. He stated that listening to the testimony the Applicant had a lack of respect for its own property; from workers living on the property cooking in a makeshift kitchen under a tarp, to the garbage conditions. He stated he was concerned with enforcement of the tree ordinance the Township Forester only worked one day a week. He was concerned the Board would approve the plan; but because the Board did not oversee enforcement, its conditions would not be binding.

Robert Rashkes, 35 Oak Crest Road, was sworn in under oath. He stated that today he walked up Eagle Rock Avenue to the club. Where the sidewalk ended there was a dirt path. He stated there were high weeds along the club property that made him unable to walk up to Laurel Avenue. He stated he would approval contingent on the installation of sidewalks, the maintenance of the sidewalks, and maintenance of the weeds. He stated he the club should abide by the Complete Streets policy and install the sidewalks as a service to the community.

Robert Daniel, 2B Buckingham Road, was sworn in under oath. He asked the Board to consider the needs of the Public, the Applicant, and the recommendations of the 2010 Master Plan Update regarding pedestrian access. He stated that ultimately the Board had a fiduciary responsibility to the citizens of the Township; the fact that the Applicant was a private club did not impact the fact that it had no sidewalks. He stated the project must provide a benefit to the Public and must include sidewalks along Laurel Avenue and Eagle Rock Avenue. He stated the Township had a Complete Street Policy; he read several portions of the 2013 Resolution adopted by the Board. He stated Applicant was a not-for-profit organization; it enjoyed all sorts of tax exemptions; its property was assessed at only a portion of its actual value as it was zoned R-2 residential; therefore, it paid little property taxes. He stated the club was exempt from the Tree Ordinance even though it had

extensive tree cutting. He stated the club's annual revenues for 2015 and the number of employees. He stated the club occupied 240 acres of land. He stated he did not think it would be a hardship to require the club to install sidewalks. He stated the Board should make it a condition of approval to install sidewalks along its perimeter on Laurel Avenue and Eagle Rock Avenue, and all County roads surrounding the club. In addition, he stated the Board should direct the Applicant to place the water line along the existing roadway.

Mr. Grossman returned to the podium. He opined the Application was in the public interest for a variety of reasons. He stated the club was located in a residential area and if it did not exist there would probably be residential development with all the associated problems; stress on the school system, increased services, etc. He stated the Township was a combination of greenery, both public and private, to be maintained. There were a tremendous number of golf courses in the area; Crestmont was a beautiful property competing for membership. He stated the Applicant had agreed to comply essentially all requests. The sidewalks were really a County problem; Crestmont should not be blamed for the problem of sidewalks on County roads. He opined the Board should lobby the Township Council to put pressure on the County to put sidewalks on County roads.

There were no further questions or comments from the Public.

Chairman Bagoff closed the public hearing; the Board deliberated.

Chairman Bagoff asked Mr. Dwyer if the Board could legally grant a waiver for a landscape architect. Mr. Dwyer answered yes. Mr. Weston stated the issue was about tree removal and replacement; it was not an extensive landscaping project. There would be input from the Township Forester and Mr. Keller. He stated the testimony and experience of the Applicant's civil engineer was adequate to grant the waiver.

Chairman Bagoff stated he would poll the Board to the matter of granting the waiver for a landscape architect; the Board voted unanimously in favor of granting the waiver.

Chairman Bagoff stated there had been discussion during the hearing about the Complete Street Policy as it related to the Master Plan; it was not an ordinance. He opined that for this Application, the Policy would not make a lot of sense from a land use perspective; it would require the removal of more trees and land disturbance than the entire proposed Application.

Councilwoman McCartney stated that she did find it troublesome that the Board had adopted a Complete Street Policy, yet as much as she would like to see sidewalks installed, the area would be so vast and there would be so much disturbance.

Mr. Weston stated the Applicant had been very responsive to the concerns of the Board and Public; he opined that if the club failed, the alternative would be a huge development and its resulting impact on the Township.

Mr. Eben stated he would like the club to consider extending the existing sidewalk from where it ends on Eagle Rock Avenue to the club property.

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 conditions of approval shall be written on the plans.
8. Applicant to comply with the review letters from Bowman Consulting dated August 29, 2017 except for Item #17.
9. Applicant shall comply with the recommendation in the Memo from Township Forester John Linson dated October 4, 2017 which states: "I recommend that the Applicant be required to amend the landscape plans to provide for the restoration of the disturbed area within 75' of the property boundary."
10. Applicant to provide an Engineer's estimate of the cost of improvements for calculation of Engineer inspection fees.
11. Prior to beginning work Applicant shall request a pre-construction meeting with Township officials.

12. Applicant shall work with the Township Forester regarding tree removal and replacement and shall plant not less than the number of trees removed.
13. Applicant shall not shovel snow onto Eagle Rock Avenue.
14. Applicant to comply with recommendations by the Township Fire Officials as they apply to the proposed improvements.
15. Applicant shall use commercially reasonable efforts to avoid tree removal to the extent possible when digging the trench for the new utility lines from Eagle Rock Avenue to the Clubhouse.
16. Applicant shall permanently maintain landscaping to preserve sight lines on both sides of the exit drive onto Eagle Rock Avenue.
17. Applicant shall provide lighting in the overflow parking area per the review and approval of the Board Engineer.
18. Applicant shall comply with fire lane widths and/or other requirements in the parking areas.
19. Applicant shall provide supervision for parking for large events.
20. Applicant shall install "Do Not Enter" and other appropriate signage in the parking areas subject to the review and approval of the Board Engineer.
21. Applicant to install markers at the exit of the driveway at Eagle Rock Avenue.
22. Applicant shall provide an "as-built" survey of the newly installed utilities.
23. Applicant is granted a waiver for having a landscape plan prepared by an engineer rather than a professional landscape architect.

The Board voted on the Application as follows:

**Motion:** Chairman Bagoff

**Second:** Mr. Cardoza

Cardoza:	Yes	Trenk:	-
Eben:	Yes	Wegner:	Yes
Ghebremicael:	Absent	Weston:	Yes
Klein:	Absent	Wilkes:	-
Keigher:	Yes	Bagoff:	Yes
McCartney:	Yes		

**MEETING ADJOURNED** at approximately 10:23 P.M.

Minutes adopted November 1, 2017.

  
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 Robin Miller, Secretary  
 Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE  
WEDNESDAY DECEMBER 6, 2017 AT 7:30 P.M. IN THE COUNCIL CHAMBER.**