

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
MEETING MINUTES  
February 7, 2018**

The Township of West Orange Planning Board held a regular meeting on February 7, 2018 at 7:30 P.M. in the Council Chamber, 66 Main Street, West Orange, New Jersey.

Chairman Bagoff called the meeting to order at approximately 7:30 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**

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

**ANNOUNCEMENTS**

The next Planning Board regular meeting will be March 7, 2018 in the Council Chamber at 7:30 P.M.

Applicant **Forest Hill Properties LLC**, scheduled to be heard at this meeting has withdrawn Application PB-17-11 without prejudice. No further notice will be required.

**ROLL CALL**

**PRESENT:** Chairman Robert Bagoff  
John Cardoza  
Lee Klein  
Council President Susan McCartney  
Andrew Trenk  
Gary Wegner  
Vice Chairman Ron Weston  
William Wilkes II

**ABSENT:** Tekeste Ghebremicael  
Captain Michael Keigher

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

**OATH OF OFFICE**

Mr. Dwyer administered the Oath of Office to Board.

**ADOPT MINUTES**

Chairman Bagoff stated the January minutes should reflect an addendum stating the reason the Board went in to Executive Session was to discuss PB-17-08/Crestmont Country Club. The Board was presently in litigation, the nature of the litigation would be made public when the litigation was resolved.

The minutes of the January 3, 2018 Planning Board meeting, including the addendum, were unanimously adopted.

**SWEARING IN**

Township Professional: Paul Grygiel, AICP, PP, Township Planner.

**RESOLUTION(S)**

**Eagle Rock Commercial Area  
Area in Need of Redevelopment & Area in Need of Rehabilitation  
Preliminary Investigation Report**

Recommend to Township Council That There Has Been Insufficient Information Presented In Order to Determine That The Study Area Qualify As Area In Need of Redevelopment Or An Area In Need Of Rehabilitation Pursuant To N.J.S.A. 40A:12A-1 et. seq.

**1/3/18**

The Board voted on the Resolutions as follows:

**Motion:** Weston

**Second:** Bagoff

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

**DISCUSSION**

Chapter 25.12.1 – General Provisions for Off-Street Parking  
Chapter 25-28 – Steep Slope and Natural Features Ordinance  
*Continued from the January 3, 2018 meeting.*

**DISCUSSION:**

Mr. Grygiel stated per the Board’s request at the January 3, 2018 meeting, he had conducted research related to two sections of the Zoning Ordinance: 25-12.1 General Provisions for Off-Street Parking, in particular subsection “o”; and 25-28 Steep Slope and Natural Features Ordinance. He outlined the two sections in a memorandum to the Board dated February 2, 2018.

### **Section 25-12.1- Off-Street Parking:**

Mr. Grygiel stated Section 25-12.1 – Off Street Parking dealt with parking lot design; Subsection 25-12.1”o” included the requirement: “All new uses or expansion of existing uses in non-residential districts shall provide curbs, sidewalks and shade trees within the street right-of way. All such facilities shall be installed in accordance with Township specifications as adopted by the Township Council.” He stated the section seemed inapt with the other sections of the off-street parking requirements. He recommended the subsection 25-12.1”o” be deleted. He stated it would be more appropriate to include those types of standards in a more comprehensive manner as part of a section implementing the “Complete Streets” principles. He suggested the Board currently consider deleting it; it caused problems for applicants; it was not in the right place.

Chairman Bagoff concurred that applicants were looking at the subsection and trying to comply; he stated it did not make sense, it did not follow the Off-Street Parking Ordinance, it did not give enough value to the municipal (sic), County, and Statewide Complete Streets, it was sort of a non sequitur.

The Board discussed the subsection; Councilwoman McCartney stated the ordinance should be worded so there would not be a need for variances; she suggested the item be included in the existing (Site Plan) checklist. Vice Chairman Weston stated the checklist was about application completeness in general; he stated the Board was about to embark on the Master Plan Update including the Circulation Element; he suggested at that time the “Complete Streets” Policy be more aggressively addressed. He stated he did not think there was an urgency at this time to address one provision that was “Complete Streets” related until the Board was ready to adopt the Master Plan Update. Chairman Bagoff stated that over the last year the Board had spent an inordinate amount of time deliberating the matter when hearing applications; he opined it should be removed from the ordinance. Vice Chairman Weston noted the subsection referred to all non-residential districts, which had been a goal of the Board for the last decade. He proposed the Board wait and undertake the ordinance together with the upcoming Master Plan process with the circulation plan element/complete streets updates. Mr. Wegner stated he agreed with the recommendation of Vice Chairman Weston to wait. Mr. Klein stated the Master Plan Update/Circulation Plan Element should identify areas deficient in sidewalks. Mr. Cardoza asked if the Board had a timetable to address the issue.

The Board discussed Master Plan Update elements to consider including working with the County and Public stakeholders. There was discussion about the County’s upcoming public presentation of the Turtle Back Zoo Master Plan Update.

Chairman Bagoff thanked the Board for their comments; he stated any further discussion regarding the proposed change to Section 25-12.1 – Off-Street Parking would wait until the Master Plan Update.

Council President McCartney stated the 2018 Budget Hearing would be held on March 17, 2018; monies had been appropriated for the Master Plan Update. The Board discussed the timeline for the budget approval process.

Harvey Grossman, Esq., Public Advocate, asked for clarification about the County's Public meeting regarding the Turtle Back Zoo Master Plan Update.

The Board discussed sending the County a position statement regarding issues to consider when developing the new Turtle Back Zoo Master Plan. Council President McCartney stated the County had testified they would come back before the Board to give a presentation of the Turtle Back Zoo Master Plan Update. Chairman Bagoff directed the Secretary to thank Mr. Puglisi for the invitation; and advise that some members would attend the meeting. Vice Chairman Weston suggested Chairman Bagoff send a letter to the County giving a recapitulation of concerns discussed during County applications that had previously appeared before the Board.

**Section 25-28-Steep Slopes and Natural Features:**

Chairman Bagoff stated he had asked Mr. Grygiel to review this section to clarify definitions. He said as an example, the West Essex Highlands II project created mounds of dirt; over years, the mounds of dirt became a natural feature. He discussed how the tree ordinance had evolved over the years; but with more requests for sidewalks, the Board had to weigh how each development application adhere to the law and the best interest of the public good. He stated there had to be balance in development. Council President McCartney stated the West Orange Environmental Commission was working on amending the Tree Ordinance; Chairman Bagoff requested that before sending the ordinance to Council, it be sent to the Board for review and comments. Vice Chairman Weston stated Mr. Grygiel had written a good summary of the ordinance; he opined it be tabled at this time and discussed again during the Master Plan Update.

Harvey Grossman, Esq., Public Advocate, spoke about the Tree Ordinance.

Mr. Wegner stated the Township had finite resources; he advocated for the least possible amount of tree removal when reviewing applications. Chairman Bagoff stated he agreed; however, it was for the Board to craft ordinances that addressed the least amount of soil loss/natural resources yet allow the applicant to develop their property.

Vice Chairman Weston stated the Pedestrian Safety Advisory Board was a stakeholder and should provide input when discussing the circulation element of the Master Plan Update.

Chairman Bagoff thanked the Board and professionals for their input.

**MEETING ADJOURNED** at approximately 8:44 P.M.

Minutes adopted April 4, 2018.



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Robin Miller, Secretary  
Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE  
WEDNESDAY MAY 2, 2018 AT 7:30 P.M. IN THE COUNCIL CHAMBER.**