

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
MEETING MINUTES  
May 2, 2018**

The Township of West Orange Planning Board held a regular meeting on May 2, 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 7:33 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**

Mayor Robert D. Parisi has made the following Board appointments:

- John Cardoza, Citizen/Class IV member, effective immediately through December 31, 2019.
- Kenneth D. McPherson, III, Citizen/Alternate Member #1, effective immediately through December 31, 2018.

The next Planning Board regular meeting will be June 6, 2018 in the Council Chamber at 7:30 P.M.

**ROLL CALL**

**PRESENT:** Chairman Robert Bagoff  
John Cardoza  
Captain Michael Keigher  
Lee Klein  
Council President Susan McCartney (8:05 P.M.)\*  
Kenneth McPherson  
Gary Wegner  
Vice Chairman Ron Weston  
William Wilkes II

**ABSENT:** Andrew Trenk

**ALSO PRESENT:** Paul Grygiel, AICP, PP, Township Planner  
Eric L. Keller, PE, PP, LEEP AP, Board Consulting Engineer  
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 Mr. McPherson.

**ADOPT MINUTES**

The minutes of the April 4, 2018 Planning Board meeting were unanimously adopted.

**SWEARING IN**

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

**RESOLUTION(S)**

None.

**APPLICATION(S)**

**PB-18-02/Valley Road Residential, LLC**

Block 9, Lots 1, 7, 44, 50 and 56, Zone: MUBR

22-26 Central Avenue and 9-15 Mitchell Street

Application for Extension of Final Site Plan Approval PB-14-03

**EXHIBITS:**

None.

**DISCUSSION:**

Patrick J. McNamara, Esq., Partner, Scarinci Hollenbeck, appeared on behalf of the Applicant to request an extension of its previously approved site plan, Application PB-14-03 (April 2014). Mr. McNamara stated the Applicant was anticipating the start of construction on the project by the summer (2018). He gave a brief recapitulation of the history of issues that had impeded construction. In reply to question from Chairman Bagoff, Mr. McNamara stated the only changes to the original site plan were to address minor issues in reply to Mr. Keller's review of the final site plans.

The Board had no questions for Mr. McNamara.

The Board professionals had no questions for Mr. McNamara.

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

The Public had no comments on the Application.

Chairman Bagoff closed the public hearing; the Board deliberated.

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 of the other terms and conditions of the original approval remain in full force and effect.

The Board voted on the Application as follows:

**Motion:** Vice Chairman Weston

**Second:** Chairman Bagoff

Cardoza	Yes	Wegner:	Yes
Keigher:	Yes	Weston:	Yes
Klein:	Yes	Wilkes:	Yes
McCartney:	Absent*	Bagoff:	Yes
McPherson:	Yes		
Trenk:	Absent		

**PB-18-01/375 Mt. Pleasant Avenue, LLC**

Block: 155, Lot: 26, Zone: O-RA

375 Mt. Pleasant Avenue

Preliminary and Final Amended Site Plan with deviation from Redevelopment Plan requirement.

Chairman Bagoff announced that Mr. Trenk had recused himself from hearing the Application.

**EXHIBITS:**

- A-1:** Site Plan (Sheet SP-2), signed by J. Michael Petry, PE, PP, RA, Petry Engineering, LLC, dated 2/5/2018;
- A-2:** Site Photographs, prepared by Petry Engineering, LLC, undated;
- A-3:** Parking Analysis
- A-4:** Layout Sheet, highlighting "22 future parking spaces Parking Area "F", signed by J. Michael Petry, PE, PP, RA, Petry Engineering, LLC

**DISCUSSION:**

Robert C. Williams, Esq., appeared on behalf of Applicant. He stated the Applicant had originally appeared before the Board in 2008 for approval of the medical center that had become very successful. He stated there had also been one subsequent Technical Review approval in 2012. He stated the current application was to seek approval to use space that was currently not being utilized other than for storage. St. Barnabas Hospital was interested in leasing the additional space for use as medical offices. He stated the applicant was seeking preliminary and final amended site plan approval with deviation from standards.

J. Michael Petry, PE, PP, RA, Petry Engineering, LLC, was sworn in, stated his professional credentials, and was accepted by the Board to be an expert witness in engineering and planning.

Mr. Williams identified the Exhibits for the record. Mr. Petry stated there were two questions in Mr. Grygiel's review letter (dated 4/23/18), that were related to in Exhibit A-3 and Exhibit A-4. He stated the (Organon) Redevelopment Plan required calculations done in two different ways for medical office space; one was by square footage; the other by medical professional staff and number of exam rooms. He stated that Exhibit A-3 represented the calculation for the majority of users on site that cooperated and provided the information, and A-4 was a copy of the original approved site plan indicating where the future 22 parking spaces would be located. In response to inquiry from Mr. Dwyer, he stated the original approval final site plan approval was dated 3/23/09.

Mr. Petry gave a brief recapitulation of the prior site plan application submitted in 2008, and the subsequent Technical Review application submitted in 2012 for modifications to walkways in the upper regions of the parking lot "A". The original approvals were for a total medical office build out of 105,800 square feet, and a total of 458 parking spaces, along with the approval of an additional 22 future parking spaces as shown on Exhibit A-4, for a total of 480 parking spaces on site. He stated that at the time, that approval was a deviation from the original redevelopment plan. He stated the two former dwellings that were located on the property were specifically excluded from the original approval; those dwellings were marked on Exhibit A-1 as #1 and #2. Building #1 was used by Organon as office space; Building #2 was used as the construction office

when the overall project was undertaken. Mr. Petry stated the actual square footage of the completed medical building was 104,817 square feet, about 1,000 square feet less than approved by the Board. He stated that as of December 2017, he could confirm on-site striping of 457 parking spaces. He stated the 22 spaces shown on the original plan had never been constructed because the property owner and Township had not deemed them necessary. He stated there had been a condition in the original resolution that the Township could do on-site inspection every year and require those spaces be built-out at any time.

In reply to question from Mr. Williams, Mr. Petry confirmed he had conducted a traffic study (submitted as part of application package). The first part of the study included visiting the site to confirm the on-site parking conditions; count the number parking spaces and confirm the configuration and number of existing parking spaces were broken down in a series of lots that made sense for the site; a two day parking study was then conducted, (12/19/17 and 1/11/18). The weather conditions were sunny; the study times were performed every 30 minutes between the hours of 8:30 A.M. and 4:30 P.M. The facility occupancy was 86,391 square feet (82.4%); there was still vacant space in the building. He stated the parking counts found approximately 200 vehicles parked at any time between 10 A.M. and 3 P.M.; the highest parking count was 213 vehicles on 1/11/18 at 11:30 A.M., representing 48% of the on-site parking stalls. He stated that number accounted for approximately one space for every 399 square feet of medical office space. Referring to Exhibit A-3, Mr. Petry gave a brief recapitulation of the parking requirements (of the Redevelopment Plan) based on the number of professionals, employees and exam rooms.

Mr. Petry described the proposed expansion. Referring to Exhibit A-2, he identified Unit 1-A, an unoccupied space historically used for storage. The space had direct access off the first walk-in lobby and access off of parking lot "E"; it was first floor unoccupied space; it was not counted in the original (site plan application) 105,000 square feet. The Applicant was now requesting to convert the unused interior space within the building (Unit A-1); the two existing structures on Mt. Pleasant Avenue (Building #1 and Building #2); and the ability to build 22 parking spaces in parking area "F" at any time in the future. Referring to Mr. Keller's review memo dated April 2018, Comment #1 regarding ADA accessibility to the proposed medical office use, Mr. Petry stated the future parking plan had not yet addressed the issue. The Applicant did not know if the structures would be used for medical or regular office use, architectural plans had not been completed. The Applicant was currently requesting approval to use the buildings; at such future time when architectural plans were developed for the buildings, the Applicant was willing to come back before the Board for any ADA modifications. Mr. Williams stated the Applicant would accept the item as a special condition of approval.

Mr. Petry continued; he stated there was an additional 8,792 square feet within the main building, 1,893 square feet (Building #1), and 2,845 square feet (Building #2). The total building area would increase by 13,530 square feet to an overall area of 118,347 square feet. He stated the parking requirement under Township code would be 592 spaces; there were currently 457 spaces. There was the ability to build the additional 22 spaces at any time in the future. The Applicant was requesting a deviation from 479 parking spaces to the 592 parking spaces requirement. In response to inquiry from Mr. Williams, Mr. Petry stated that based upon his analysis, he believed that even with the proposed expanded square footage, there would be an excess of available parking spaces.

Mr. Williams reiterated the property was located in the Organon Redevelopment Zone; under redevelopment, a variation from the zoning ordinance was called a "deviation". Mr. Petry stated the site was a premier property within the area; he opined the objectives of the Redevelopment Plan would be advanced by the requested deviations, specifically "Item B", "To encourage to the fullest extent possible the redevelopment of the Organon site....and related uses"; and "Item F", "To provide ...improvements...necessary for...contemplated new development." He opined the present parking conditions were adequate; the property had operated as medical offices for almost a decade. He opined that constructing additional parking for the site would unnecessarily eliminate open space and landscaping that was a part of the Redevelopment Plan. He stated that in terms of the negative criteria, increasing the square footage at this location could be accommodated without increasing the number of on-site parking space. He opined that correcting the deviation would not pose a detriment to the public good; there was no practical way for overflow parking from the site to flow on to the street; it was too far a walk. He stated that as far as potential impairments, he opined the Redevelopment Plan was actually advanced by the application; it was not prudent to waste green space by paving areas that were not necessary to the needs of the development. He concluded his testimony.

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

Captain Keigher asked if the exterior buildings could be used for security. Mr. Petry answered if it was a condition of approval, they could be used for security. They were currently vacant; security personnel were not using the space.

Vice Chairman asked for clarification regarding if the exterior buildings were currently vacant; Mr. Petry answered the buildings were currently vacant. Vice Chairman Weston stated the Applicant did not have specific plans for the dwellings, but was asking for site plan approval. Mr. Williams stated the current approval allowed for the exterior buildings to be used only for security purposes; the application was requesting approval for future use as medical or office space, at such time the Applicant would come back before the Board for site plan approval. The application currently before the Board was to request a change in the use of the buildings. Vice Chairman Weston voiced concern about the future ADA accessibility as the property is developed. Mr. Petry stated the building was condominium, a great deal of the space was owner occupied, he said the change over in occupancy and use would be less likely than in a standard building. He stated the original resolution had a stipulation that the Municipality could perform an inspection at any time during the year to cause the 22 spaces to be paved at any time. He opined that condition would continue forward, the Applicant had no objection as a condition of approval. Vice Chairman Weston asked Mr. Dwyer if all previous stipulations "roll-forward" as conditions of approval.

Mr. Klein asked if the 22 spaces were built, would there be a sidewalk connecting them to one of the buildings; Mr. Petry answered there was not a sidewalk connection but one could be provided. Mr. Williams stated the applicant would accept it as a condition of approval.

Mr. Wilkes asked for clarification regarding how visitors would gain access to the buildings should the 22 parking spaces be built. Mr. Petry stated the applicant had just agreed to install a sidewalk up along the driveway to the intersection for pedestrian crossing.

Mr. Wegner voiced concern that the previous stipulations should be included as conditions of approval.

Mr. Cardoza asked if a staircase from the future area work better than a sidewalk; Mr. Petry answered that a staircase would allow access to the upper parking lot (Lot G), but there was not a sidewalk in Lot G to the front door of the main building.

Mr. Grygiel asked Mr. Williams to confirm the Applicant agreed with Stipulation 10 of the original approval identifying the Planning Director or Zoning officer as the Township Officials. Mr. Williams answered in the affirmation.

Mr. Keller stated the only condition that would not carry forward from the original approval was Condition 12.

Referring to Items #1 and #2 of his report (dated 4/25/18), Mr. Keller stated it was Mr. Petry's testimony that 592 parking spaces were required based on the square footage of what was in the main building, plus the two existing outer buildings if all was used as medical offices. Mr. Petry answered in the affirmative. Mr. Keller stated there were currently 457 spaces; Mr. Petry answered in the affirmative. Mr. Keller stated the Applicant was requesting a deviation for 113 parking spaces; Mr. Williams confirmed the deviation was 113. Mr. Keller stated grading needed to be addressed for the handicapped spaces; Mr. Petry stated there were currently 16 (handicapped) spaces throughout the area; he stated if parking were to be developed for the two out building, handicapped parking would be developed which might slightly increase impervious coverage. Mr. Keller asked if directional signage had yet been considered for the site; Mr. Petry stated there was signage for current tenants, additional signage would be addressed as required. Mr. Keller asked what had been considered for refuse and recycling for the two buildings; Mr. Petry stated both buildings had lower levels, depending on the uses the garage might be stored inside; no final plan had yet been considered.

Chairman Bagoff noted that Council President McCartney joined the meeting at approximately 8:05 P.M.

Vice Chairman Weston opined he would rather see the areas restriped and not add impervious coverage. Mr. Petry stated it would be for a total of two (2) spaces, one handicapped space per building.

Referring to the parking table summary, Mr. Klein stated some parking areas appeared under-utilized; he asked Mr. Petry for clarification. Mr. Petry stated a dialysis center occupied half of the third floor that was served by Parking Area A; most of the patients were dropped off and remained on-site for eight hours. The other half of the third floor was currently vacant. In Parking Area A, 40 spaces would be available for future tenant, and there was additional parking in all three sections underneath the building for employees. The intent of the plan was for the parking areas servicing the doors to buildings were for patrons; the more remote areas were for employees.

Chairman Bagoff asked Mr. Dwyer if the Applicant would again be required to appear before the Board with a new site plan to build a sidewalk from the future parking area (the 22 "banked"

spaces). Mr. Petry stated the Applicant would agree to submit a new plan in the future or consider it a condition of approval to the current Application.

Mr. Keller stated there was significant grade change from building to building; an engineering plan would have to be submitted including a grading plan.

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

The Public had no comments on the Application.

Chairman Bagoff closed the public hearing; the Board deliberated.

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 shall construct the sidewalk from the future parking area (the 22 “banked” spaces) to the main parking area upon approval from the Board for the future parking area. The Applicant will restripe the existing spaces adjacent to the residential structures to create handicapped spaces, if required at the time it seeks to rent, use or sell the residential structures. The restriping of the spaces for handicapped parking will result in a reduction of parking spaces from 457 to 455.
9. In the event the Board notifies the Applicant that the 22 “banked” spaces must be constructed, Applicant shall return to the Board to amend the site plan.
10. Condition No. 12 in the Resolution of this Board adopted on November 5, 2008 is hereby excised. All other conditions of that Resolution remain in full force and effect.

The Board voted on the Application as follows:

**Motion:** Vice Chairman Weston

**Second:** Chairman Bagoff

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

Chairman Bagoff announced a brief recess at approximately 8:35 P.M. He reconvened the meeting at approximately 8:39 P.M.

## **PRESENTATION**

West Orange Survey of Older Adults: A Summary of Findings, February 2018.

*Presented by Councilwoman Michelle Casalino*

## **DISCUSSION:**

Councilwoman Casalino approached the podium and addressed the Board. She gave a recapitulation of the Senior Survey presented to the Township Council on March 27, 2018. She stated the survey focused on transportation, housing, health, and communication; among the issues identified in the report were the limited options for affordable housing for older adults in West Orange and poor walkability options.

The Board discussed the report findings with Councilwoman Casalino.

The Board requested Mr. Grygiel research housing options for older adults for discussion at a future meeting.

Harvey Grossman, Public Advocate, voiced concern about the relationship between the Township and County regarding walkability.

The Public had no questions or comments on the presentation.

**MEETING ADJOURNED** at approximately 9:13 P.M.

Minutes adopted July 11, 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 AUGUST 1, 2018 AT 7:30 P.M. IN THE COUNCIL CHAMBER.**