

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
MEETING MINUTES  
June 6, 2018**

The Township of West Orange Planning Board held a regular meeting on June 6, 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 7:38 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 July 11, 2018 in the Council Chamber at 7:30 P.M.

**ROLL CALL**

**PRESENT:** Chairman Robert Bagoff  
John Cardoza  
Council President Susan McCartney  
Kenneth McPherson  
Andrew Trenk  
Vice Chairman Ron Weston  
William Wilkes II

**ABSENT:** Captain Michael Keigher  
Lee Klein  
Gary Wegner

**ALSO PRESENT:** Paul Grygiel, AICP, PP, Township Planner  
Jamie Giurintano, PE, Board Consulting Engineering  
Patrick J. Dwyer, Esq., Board Attorney  
Robin Miller, Board Secretary

**SWEARING IN**

Township Professionals: Paul Grygiel, AICP, PP, Township Planner and Jamie Giurintano, PE, Board Consulting Engineer.

**RESOLUTION(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

**Approved 5/2/18**

The Board voted on the Resolution as follows:

**Motion:** Vice Chairman Weston

**Second:** Chairman Bagoff

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

**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.

**Approved 5/2/18**

**DISCUSSION:**

Mr. Dwyer advised the Board the draft resolution had been revised after consultation with Applicant’s attorney, Robert. C. Williams, Esq. Mr. Williams approached the podium; he gave a recapitulation of the revisions the Applicant had requested:

1. Page 3, Paragraph 14 – The discussion of the sidewalks was raised regarding the future parking area and how someone parking in that area would get to the building. Mr. Petry testified that we could install sidewalk. Therefore, I would request the following amended to this Paragraph – He stipulated that a sidewalk would be installed between the future parking area and the main parking area when the Applicant returns to the Board to construct the future parking area (Paragraph 9, Page 6, requires us to return to the Board).
2. Page 6, Paragraph 8 –Please amend as follows: The Applicant shall construct the sidewalk from the future parking area to the main parking area upon approval from

the Board for the future parking spaces. 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 structures. The restriping of the spaces for handicap parking will result in a reduction of parking from 457 to 455.

The Board discussed the revisions.

The Board voted on the Resolution with revisions as follows:

**Motion:** Chairman Bagoff

**Second:** Mr. Cardoza

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

**APPLICATION(S)**

**PB-18-03/44 Washington Street WO, LLC**

Block: 118, Lot: 40, Zone: B-1

44 Washington Street

Preliminary and Final Major Site Plan with “c” Variances.

**EXHIBITS**

- A-1:** Rendering, Proposed Concept Façade, prepared by Nick Tsapatsaris & Associates, dated 4/1/17;
- A-2:** Site Plan, Drawing Number SP-101, prepared by Nick Tsapatsaris & Associates, dated 3/28/18, last revision 5/29/18 as per Elevation Report and NAVD 88 DATUM;
- A-3:** Grading and Utility Plan, Drawing Number SP-201, prepared by Nick Tsapatsaris & Associates, dated 3/28/18, last revision 5/29/18 as per Elevation Report and NAVD 88 DATUM;
- A-4:** Proposed Preliminary First Floor Plan Elevation, Drawing Number PA-101, prepared by Nick Tsapatsaris & Associates, dated 4/1/18, revised 5/29/18 as per Elevation Report and NAVD 88 DATUM;
- A-5:** Proposed Preliminary Building Elevations (Steps), Drawing Number PA-201, prepared by Nick Tsapatsaris & Associates, dated 4/1/18, last revision 5/29/18 as per Elevation Report and NAVD 88 DATUM

**DISCUSSION:**

Lawrence S. Cutalo, Esq., O’Toole Scrivo, appeared on behalf of Applicant. He stated the Applicant proposed to develop a 5,378 sq. ft. modern self-service laundromat. The business

was a permitted use in the B-1 zone. The Applicant proposed to re-purpose an existing 2,835 sq. ft. brick and masonry building and construct a 2,538 sq. ft. addition connected to the rear of the existing vacant building. He stated the property was a corner lot located on Washington Street. The building formerly housed a granite company. The Applicant was requesting preliminary and final site plan approval and "c" variances to be discussed during testimony.

Nick Tsapatsaris, P.E. R.A., was sworn in, stated his professional credentials, and was accepted by the Board to be an expert witness in engineering and architecture, licensed in the State of New Jersey.

Referring to Sheet SP-101, Mr. Tsapatsaris stated the existing building was approximately 2,500 sq. ft., the Applicant proposed an addition of approximately 2,800 sq. ft. behind the existing building, all other existing conditions would remain. The site was currently 100% paved; there was parking all around the building. He stated the Applicant would redesign the circulation and parking on the west and north sides of the building. He stated the property was trapezoidal in shape, which was the reason for the requested variances. He stated the property was bounded by a residential property and an industrial property to the southeast; a park and water barrier to the west. He stated access to the property from Washington Street would remain the same. He described the proposed parking layout, loading area and refuse area. Referring to Sheet SP-102, he stated that truck turn-around models indicated that a 30 ft. garbage truck would be able to maneuver on the site but would encroach upon the adjacent Township property to the west when in reverse. Referring to Exhibit A2, Sheet SP-201, he noted the property was in a floodplain. The Applicant had made initial contact with NJDEP; the NJDEP had provided what the floodplain elevation would be for the property. The Applicant had its surveyor calibrate and certify the datum; the proposed first floor elevation would be 1.65 ft. above the floodplain elevation. He stated the Applicant would apply for NJDEP approval. He stated the plan included repaving the lot but no major earthwork aside from landscaping; there would be no grading changes due to the property being in a floodplain. He stated he had advised the property owner to clean out and flush all existing drains. He stated that the proposed use would be a laundromat with an estimated 45 washing machines; each expelling 580 gallons of wastewater per day, totaling an aggregate amount of 26,100-gallon flow of wastewater, which exceeded the 8,000 gallons per day threshold, the Applicant would be applying for a Treatment Works Approval ("TWA") from the NJDEP. Mr. Tsapatsaris stated the Applicant was proposing to increase the size of the gas line and might need a larger water supply. He stated the downspouts were currently located at the corners and would remain in the same location. Referring to Sheet SP-301, the Soil Erosion and Control Plan, he stated the area of disturbance would be 4,570 sq. ft. Referring to Sheet SP-401, he discussed the proposed lighting and landscape plan.

Referring to Exhibit A-4 (Sheets PA-101) and Exhibit A-5 (PA-201), Mr. Tsapatsaris noted they had been revised per the Elevation Report and NAVD 88 DATUM from the NJDEP. He stated the only change included the insertion of steps at the back right door.

Referring to Exhibit A-1, Mr. Tsapatsaris described the proposed architecture. The exterior façade would be a stucco finish, more glass along the front and sides, a new-shingled roof and 3 ft. overhang on the northwest side that would taper to give architectural interest. He stated the existing marble accents would be removed.

Mr. Tsapatsaris addressed Mr. Keller’s Technical Review memorandum (dated 6/1/18) and Mr. Grygiel’s Planner’s Report (dated 5/31/18).

Mr. Tsapatsaris discussed the Applicant’s request for variance relief; he stated he agreed with Mr. Grygiel’s analysis for variance relief. He indicated that to eliminate Section 25-12.1.p minimum number of trees in parking lot, the Applicant would install two trees in the parking lot.

| SECTION  | REQUIRED            | EXISTING                          | PROPOSED                          |
|--|---------------------|-----------------------------------|-----------------------------------|
| 25-7.1 Minimum side yard setback                         | 6 ft.               | 4.25 ft.                          | 4.25 ft. to addition              |
| 25-7.1 Maximum lot coverage                              | 75%                 | 100%                              | 98.4%                             |
| 25-12.1.b Minimum parking space setback from structures  | 5 ft.               | Not provided                      | 0 ft.                             |
| 25-12.1.h Minimum parking aisle width                    | 24 ft.              | 12.69 ft. minimum, 22 ft. typical | 12.69 ft. minimum, 22 ft. typical |
| 25-12.1.p Minimum number of trees in parking lot         | 2 (1 per 10 spaces) | 0                                 | 1                                 |
| 25-12.2 Minimum parking spaces                           | 22                  | 13                                | 20                                |
| 25-12.3.a.1 Minimum loading space size                   | 10 ft. by 40 ft.    | none                              | 10 ft. by 35 ft.                  |
| 25-14.2 Minimum levels of illumination for parking areas | 2.0 footcandles     | Not provided                      | 1.3 footcandles average           |

In response to inquiry from Mr. Cutone regarding hardship variance for the shape of property, Mr. Tsapatsaris described the trapezoid shape of the lot. He opined the request for variance relief was justified. Mr. Dwyer noted that Mr. Tsapatsaris was not a licensed professional planner. Vice Chairman Weston stated that Mr. Tsapatsaris was a licensed engineer and architect; it was usual for a licensed planner to testify; asked if it was within the purview of the Board to waive testimony from a licensed professional planner regarding the Applicant’s “C” variances. Mr. Dwyer stated the Board typically heard testimony from a licensed planner for commercial applications with variances; the Board could choose to weigh or waive the witness testimony. Chairman Bagoff stated Mr. Tsapatsaris was familiar with the topography of the site; the Board could weigh his testimony as an engineer and architect. Mr. Grygiel stated the ordinance required the Applicant to submit a Planner’s Report from a licensed professional planner for “D” variance relief; he stated that while it was customary for the Board to hear testimony from a licensed planner for variance relief, the ordinance was silent on the issue regarding “C” variances. He noted the property was

already developed; from a planning point of view, the Applicant's requests for variance relief were generally improvements. Mr. Tsapatsaris continued his discussion regarding variance relief; he opined the proposed plan was an improvement over the obsolete current conditions of the property. He opined the site improvements that included parking configuration, refuse collection, lighting and landscaping would improve the marketability and aesthetic of the property and the surrounding area. He opined that based upon his reading of the zoning chart; the requested variances would not negatively impact the site or surrounding area.

Mr. Tsapatsaris concluded his testimony.

Chairman Bagoff asked about the hours of operation and the timing of garbage pick-up; Mr. Tsapatsaris stated the hours of operation would be between 8:00 AM to 11:00 P.M. Chairman Bagoff asked if money would change hands during hours of operation; how would the machines operate. Mr. Tsapatsaris stated the machines would use an automated system using credit cards; some machines might take coins. Chairman Bagoff asked if there would be a security camera system in the building; Mr. Tsapatsaris answered yes, there would be a security camera system inside and outside of the building.

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

Council President McCartney asked for clarification regarding ingress/egress, access for emergency vehicles, sidewalks, curbing, bollards, exterior lighting, and building signage. She asked for additional information regarding how recent changes in storm water management rules had affected the building design.

Chairman Bagoff asked where the HVAC system would be located, and if it would be possible to install a "cool roof" to reduce the heat island effect. He asked Mr. Dwyer to include a "cool roof" as a condition of approval. He asked about a backflow preventer to protect the potable water system, clarification regarding the length of the building, if the building would have a sprinkler system, and if the bathrooms would be ADA compliant.

Vice Chairman Weston stated the Applicant would have to adhere to Building Code guidelines regarding ADA accessibility. He stated he understood there would not be a sidewalk along the building, however, he suggested there should be some protection such as car stops. He stated he approved of the exterior lighting. He stated the Applicant should consider changing the location of the condensers and HVAC system; it would be better to put the HVAC on the roof.

Mr. Wilkes asked for clarification regarding the maximum occupancy of the building and the total number of parking spaces. He voiced concern about emergency vehicle access. He asked for clarification regarding building signage.

Mr. Cardoza asked for clarification regarding the LED lighting. He voiced concern about security during nighttime hours. He asked for clarification regarding the location of the stairs. He asked for clarification regarding the rear retaining wall and the chain link fence.

Mr. McPherson asked for clarification regarding the number of parking spaces and configuration of the parking lot.

Mr. Grygiel asked the Applicant to confirm the maximum lot coverage requested for variance relief.

Mr. Giurintano asked if the Applicant was considering a wash and fold business in conjunction with the self-serve laundromat. He stated he had several conversations with Mr. Tsapatsaris. Referring to Item #5, of Mr. Keller's memo dated June 1, 2018, Mr. Giurintano asked Mr. Tsapatsaris if the Applicant was proposing to use heavy-duty curb stops; he requested all necessary details be provided on the final plans. He asked Mr. Tsapatsaris to confirm the two employee parking spaces would provide adequate and safe ingress and egress; he recommended there be signage for the employee spaces. Referring to memo item #6, he noted that there was a tree located to the rear of parking space #17; he was concerned about adequate egress on to Washington Street. He asked if the existing light pole could be relocated. He voiced concern regarding traffic circulation; Mr. Tsapatsaris had testified that delivery vehicles would encroach on neighboring property. He asked for clarification regarding the 4 ft. retaining wall reinforcement. Referring to memo item #16, he voiced concern about the parking spaces impact on public safety. He asked if the signalized intersection of Washington/Watchung would permit an adequate gap for vehicles to queue on to Washington Street. He asked for clarification about the trash enclosure; he suggested the Applicant reduce the size of the dumpster enclosure and consider relocating the air conditioning system.

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

The following members of the Public approached the podium to question Mr. Tsapataris:

Sally Malanga, 57 Ridge Road, West Orange

Robert Rashkes, 35 Oak Crest Road, West Orange

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

Robert Rashkes, 35 Oak Crest Road, West Orange, was sworn in under oath.

There were no further comments from the Public.

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.
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 comments in the review letter from Board Consulting Engineer Bowman dated May 30, 2018 subject to the review and approval of Bowman.
9. Applicant to comply with the comments of the Fire Official in his Memorandum dated May 8, 2018.

10. The proposed compressor shall be located in the left side yard setback.
11. Applicant to install a "cool roof" on the addition.
12. Location and type of trees to be planted shall be subject to the review and approval of the Township Forester.
13. Applicant to locate condensers inside the trash enclosure, to be protected by bollards.
14. Trash and recycling to be picked up no later than one-half hour prior to the time the laundromat opens.

The Board voted on the Application as follows:

**Motion:** Vice Chairman Weston

**Second:** Chairman Bagoff

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

**MEETING ADJOURNED** at approximately 10:01 P.M.

Minutes adopted August 1, 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 SEPTEMBER 5, 2018 AT 7:30 P.M. IN THE COUNCIL CHAMBER.**