

**MINUTES  
TOWNSHIP OF WEST ORANGE  
ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
March 7, 2019**

The West Orange Zoning Board of Adjustment held a special meeting on March 7, 2019 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Neuer called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle and the Star Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

Chairman Neuer asked everyone to stand for the Pledge of Allegiance.

**PRESENT:** D. Gabry, P. Neuer, Lorie Anne Phillips, B. Quentzel,  
I. Schwarzbaum, W. Steinhart, M. Sussman, A. Weiss

**ABSENT:** J. Eben (excused)  
J. Redwine (excused)  
M. Straker (excused)

**ALSO PRESENT:** Paul Grygiel, Acting Planning Director for the Township  
John J. Hess, Consulting Engineer for the Township  
Patrick Dwyer, Esq., Substitute Board Attorney  
Rose DeSena, Board Secretary  
Harvey Grossman, Esq., Public Advocate

**ANNOUNCEMENTS**

**Future Meetings:** March 21, 2019 (regular meeting)  
April 11, 2019 (regular meeting)  
May 16, 2019 (regular meeting)

**SWEARING IN**

Paul Phillips, acting consulting Planner for the Township and John Hess, Consulting Engineer for the Township, were sworn under oath.

## APPLICATIONS

- 1. ZB-18-06/CLPF – Essex Green, LLC c/o Clarion Partners** Carried from 2/21/19  
Block: 155.21; Lot: 40; Zone: P-C  
495 Prospect Avenue  
Seeking “d” and bulk variances for the expansion and renovation of an existing Shopping center.

## EXHIBITS

- A-1 – Aerial map of the site dated 9/12/18
- A-2 - Rendering of the Essex Green Shopping Center dated 11/15/18
- A-3 – Tree Quantity Analysis dated 12/20/18
- A-4 – Site Demolition Plan showing where the trees will be transplanted dated 12/20/18
- A-5 – Upper Level Leasing Plan dated 10/18/18
- A-6 – Rendering of the New Lower Level – Retail Building I dated 10/18/18
- A-7 – Site Line Study of Proposed Towner Sign dated 11/15/18
- A-8 - Site Line Study of Proposed Tower Sign dated 11/15/18
- A-9 - Lower level site plan with a revision date of 11/15/18
- A-10 – Digital sign analysis one dated 3/6/19.
- A-11 – Digital sign analysis two dated 3/6/19.
- O-1 – Photos taken by Linda Stiles dated 10/26/18
- O-2 – Photos taken by Linda Stiles dated 10/26/18

Chairman Neuer stated for the record that Ms. Phillips has signed an affidavit stating that she read the transcript of the February 21, 2019 meeting and is eligible to vote should this matter come to a vote tonight.

Frank Regan, Esq., attorney for the applicant, approached the podium.

Chairman Neuer announced that Iris LaRosa has been retained by the applicant as the certified shorthand reporter for this meeting. Ms. LaRosa was sworn as the official shorthand reporter for this application at this meeting.

Chairman Neuer stated that he and Ms. Beirne have prepared a list of conditions that were discussed during the hearings. He advised Mr. Regan that he will send the list to him so that he can go over the conditions with the applicant and be prepared to discuss whether they will agree to them at the next meeting.

Chairman Neuer stated for the record that the Board will also add a condition to this resolution if the application is approved, and to all future approval resolutions, requiring that all of the conditions of approval must be printed on the final plans.

Mr. Regan stated that the members of the public were questioning Mr. Kohler, architect for the applicant, when the last meeting ended.

Mr. Regan stated that the applicant carefully considered what one of the Board Members had to say about the proposed tower sign and has agreed to remove it from the plans. He stated that they would like to amend the application and will submit revised architectural plans on Monday 3/11/19. Chairman Neuer stated that the amendment was accepted.

Anthony Kohler, architect for the applicant, approached the podium; Mr. Regan stated that he will continue his testimony under oath from the last meeting.

Mr. Kohler stated that he has prepared two additional exhibits for the digital sign dated 3/6/19 that were marked as Exhibit A-10, analysis one, and Exhibit A-11, analysis two, both for identification.

Mr. Kohler stated that they are amending the digital sign that was initially proposed and referred to Exhibit A-10 and Exhibit A-11 and detailed them; He stated that the sign will be at minimum dot pitch and the brightness will adjust during the daytime. Mr. Kohler stated the “cycling” will be no more than five (5) seconds for every image.

Ms. Weiss asked Mr. Kohler if the store’s logo will be the same logo on the digital sign; he said not necessarily because they do not want any distracting elements on the sign.

Mr. Kohler stated that the digital sign will replace the two current signs at the main entrance.

Mr. Schwarzbaum asked Mr. Kohler if the digital sign will become dimmer when the shopping center is closed; he said that they had not considered that but they will. Mr. Kohler said that the digital sign meets the Department of Transportation standards.

Mr. Quentzel asked Mr. Kohler who is in control of the sign making sure that the policy of the content is upheld; he said the owner of the shopping center.

Mr. Hess asked Mr. Kohler to consider making the background of the sign darker so that the appearance of illumination is not a lot brighter; he said that they can consider writing that into the specifications.

There were no further questions for Mr. Kohler from the Board Members or the Board Professionals.

Chairman Neuer asked if any members of the public had any questions for Mr. Kohler.

Kevin Malanga approached the podium and stated that he lives at 57 Ridge Road.

Mr. Malanga asked Mr. Kohler if the windows on the side of Building G facing Rooney Circle will be actual windows or a representation of a window; he said they will provide the tenant with a window but will stipulate what the business can put in the window in accordance to the Township Ordinance.

Mr. Malanga asked Mr. Kohler what the current shopping center lacks as far as being a town

center; he said the current spaces are very large and they are proposing to make some of the spaces smaller for smaller businesses.

Mr. Malanga stated his understanding that a Town Center has public meeting spaces and asked Mr. Kohler where the public meeting space will be; he said that they are not proposing a public meeting space.

Mr. Malanga asked Mr. Kohler to define what types of services a town center offers to the public; he said some types of businesses offered are restaurants, beauty salons, daycare services; home goods stores, eyeglass stores, grocery stores, pet stores and book stores among others.

Mr. Malanga asked Mr. Kohler if they are seeking a book store as a tenant; he said a book store would be a good business to have but he is not responsible for marketing to tenants.

Mr. Malanga referred to a board Mr. Kohler presented during his testimony showing a rendering of Building G and the parking lot filled with automobiles. Mr. Malanga asked Mr. Kohler if one of the cars in the rendering was a Tesla; he replied yes.

Mr. Malanga asked Mr. Kohler where the charging station for the electric cars will be located on the site; he said they are currently not proposing one.

Mr. Malanga asked Mr. Kohler how many pylon signs are being proposed on the site; he said two (2).

Mr. Malanga asked Mr. Kohler how many monument signs will be on the site; he said four (4).

Mr. Malanga asked Mr. Kohler what the height of the pylon signs will be; he said twenty five (25) feet.

Joyce Rudin approached the podium and stated that she lives at 38 Woodland Avenue.

Ms. Rudin asked Mr. Kohler if there will be any bicycle pads on the site; he said that they are proposing to add bicycle parking spaces.

Ms. Rudin asked Mr. Kohler why he has not read the Township's Master Plan; he said because it did not seem relevant to the proposal because they did not change the use of the site.

Ms. Rudin asked Mr. Kohler why they are not proposing a public meeting space; he said because they want to fill it with retail space. Mr. Kohler said that there will be more space on the site for the residents to congregate and meet but there will not be an indoor space.

Ms. Rudin asked Mr. Kohler if the active public spaces include benches; he said yes.

Ms. Rudin asked Mr. Kohler if there will be trees near the benches; he said yes.

Ms. Rudin asked Mr. Kohler to explain why a drive-thru will be beneficial to the site; he said

that they will improve its traffic, bring business synergy to other businesses and provide a convenience for working families, people with disabilities and elderly people that benefit from not having to get out of their car.

Gary Van Wyk approached the podium and stated that he lives at 71 Burnett Terrace.

Mr. Van Wyk asked Mr. Kohler if signage is the key element to town center planning; he said no.

Mr. Kohler stated that the current shopping center has large spaces and they are re-distributing the square footage for smaller spaces for smaller businesses. He said that signage is part of every retail project.

Mr. Grygiel stated he would like to clarify something; he said that the reason the applicant is before the Zoning Board is because the proposed drive-thru's are not permitted. Mr. Grygiel said that the shopping center will remain a shopping center; it is not a change of use.

Mr. Schwarzbaum asked Mr. Kohler if the term "town center" is basically a marketing term; he said sort of. Mr. Kohler said that the applicant is trying to provide stores that will be of service to the community. Part of this concept is to install smaller tenants rather than larger tenants.

There were no further questions for Mr. Kohler.

Chairman Neuer called for a recess at 9:10 pm.

Chairman Neuer resumed the meeting at 9:26 pm.

Mr. Regan called his next witness.

Dan Disario approached the podium and was sworn under oath.

Mr. Disario detailed his educational and professional background as a licensed Professional Engineer in the State of New Jersey with a specialization in traffic engineering.

Chairman Neuer accepted Mr. Disario as an expert in traffic engineering.

Mr. Disario stated that he submitted a traffic report to the Board on 10/1/18 and revised it on 11/2/18 and that his testimony will be based on this report.

Mr. Disario stated that this is the third shopping center project he has worked on recently and they all have similar situations like this one. He said that due to E-Commerce, less traffic is generated in shopping centers now and they require less parking spaces as they once did.

Mr. Disario referred to his traffic report and detailed the existing site conditions and the proposed shopping center improvements.

Mr. Disario also detailed the site trip generation and stated that he used the trip rates for

shopping centers contained in the 10<sup>th</sup> edition of the Trip Generation Manual that is published by the Institute of Transportation Engineers.

Mr. Disario stated that after reviewing the site plan for improvements, they focused on access, circulation and parking supply and detailed what was being proposed. He stated that the reconfiguration of the main driveway along Prospect Avenue will allow better traffic flow in and out of the site.

Chairman Neuer stated that the site plan must be revised showing the changes made to the islands in order to provide more landscaping.

Ms. Weiss thanked the applicant for listening to the residents and adding more trees to the site.

Mr. Grygiel stated that the Pedestrian Advisory Board had made some suggestions that the applicant agreed to and the revised site plan reflects those changes.

There were no further questions for Mr. Disario from the Board Members or the Board Professionals.

Chairman Neuer asked if any members of the public had any questions for Mr. Disario.

Kevin Malanga approached the podium and stated that he lives at 57 Ridge Road.

Mr. Malanga asked Mr. Disario if the reconfiguration of the main entrance was for functional reasons or for the aesthetics; he said for traffic engineering reasons.

Chairman Neuer asked Mr. Disario if the main entrance provides safe and efficient ingress and egress; he said yes.

Gary Van Wyk approached the podium and stated that he lives at 71 Burnett Terrace.

Mr. Van Wyk asked Mr. Disario to explain what the traffic engineering reason was for the new entrance design; he said that the new design will slow the cars down and prevent them from speeding.

Mr. Van Wyk asked Mr. Disario how many cars Panera will attract during their peak hours; he said he did not perform specific calculations for Panera. Mr. Disario said that, depending on the business, there would be different peak hours for each business.

There were no further question for Mr. Disario.

Mr. Regan called his last witness.

Sean Moronski approached the podium and was sworn under oath.

Mr. Moronski detailed his educational and professional background as a Professional Planner

licensed in the State of New Jersey.

Chairman Neuer accepted Mr. Moronski as an expert in professional planning.

Mr. Moronski stated that he submitted a report to the Board with an original date of 9/11/18 and a revision date of 11/1/18; he said that his original report was amended to exclude the tower sign.

Mr. Moronski referred to his report and detailed what currently exists on the site along with the surrounding area. He stated that the shopping center is located in a P-C zone and detailed what the requirements are in that zone.

Mr. Moronski stated that the applicant is requesting "d" and "c" variances; the "d1" variance would be for the proposed drive thru lanes which are not a permitted use in that zone. He said the "d2" variance is for the height of the buildings A, B and C which should not exceed 35'.

Mr. Moronski detailed the requested "c" bulk variances which also include the variances for the proposed signage and parking spaces.

Mr. Moronski detailed the positive and negative criteria stating that the drive thru windows are suited for the site and by granting these variances there would be no detriment to the zone.

Chairman Neuer noted the time and stated that the application will be carried over to the March 21, 2019 regular meeting, they will continue with questions for Mr. Moronski and that no further notice will be required.

The meeting was adjourned by at 10:57 pm.

Adopted:

 3/22/19  
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Rose DeSena  
Zoning Board Secretary