

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
February 6, 2019**

The Township of West Orange Planning Board held a regular meeting on February 6, 2019, at 7:30 P.M. in the Council Chamber, 66 Main Street, West Orange, New Jersey.

Chairman Weston called the meeting to order at approximately 7:35 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 Weston requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

The next Planning Board regular meeting will be March 6, 2019 in the Council Chamber at 7:30 P.M.

ROLL CALL

PRESENT: Robert Bagoff
Everett M. Johnson (7:36 P.M.)
Councilwoman Susan McCartney
Andrew Trenk
Gary Wegner
Chairman Ron Weston
William Wilkes II
Tammy Williams

ABSENT: Vice Chairman John Cardoza
Captain Michael Keigher
Lee Klein

ALSO PRESENT: Paul Grygiel, AICP, PP, Township Planner
Eric Keller, PE, PP, Bowman Consulting, Board Consulting Engineer
Patrick J. Dwyer, Esq., Board Attorney
Robin Miller, Board Secretary
Harvey Grossman, Esq., Public Advocate

ADOPT MINUTES

The minutes of the September 5, 2018, October 3, 2018 and January 2, 2019 Planning Board meetings were unanimously adopted.

SWEARING IN

Township Professionals:

Paul Grygiel, AICP, PP, Township Planner

Eric Keller, PE, PP, Bowman Consulting, Board Consulting Engineer

RESOLUTION(S)

None

APPLICATION(S)

PB-18-04/Jay Maharaj Realty, LLC

Block: 125.03; Lots: 53; Zone: B-1

96-102 Harrison Avenue

Preliminary and Final Site Plan with "C" variances.

APPLICANT EXHIBITS:

A-1: Site Plan, (Six sheets), dated 3/6/18, last revision 11/19/18, prepared by Adnan A. Khan, PE, CME, AWZ Engineering, Inc.

A-2: Architectural Plans

A-3: Site Photographs Existing Conditions

DISCUSSION:

Savino J. Russoniello, Esq., Caruso Smith Picini, appeared on behalf of Applicant. Mr. Russoniello stated three professionals were present to testify on behalf of the Application. He stated the new building would be very similar to the existing building to the right of the property. He stated the site was not the easiest to develop due to the contour of the property and the fact that the parking area to the rear of the property was above ground level of the (existing and proposed) building structures. The Applicant proposed to construct a new mixed-use building with ground floor retail space and two upper floor one-bedroom residential apartments on property developed with an existing mixed-use building. The proposed building would have a ground floor area of 1,409 square feet, for a proposed total retail floor between it and the existing building of 3,941 square feet. Changes were proposed to the property rear parking area including new paving and striping.

Adnan A. Khan, PE, AWZ Engineering, Inc., approached the podium and was sworn in under oath. Mr. Khan stated his professional credentials and was accepted by the Board to be a professional engineer licensed in the State of New Jersey. In response to question from Mr. Russoniello, Mr. Khan confirmed he had attended preliminary meetings with Board professionals, Mr. Grygiel and Mr. Keller, regarding the Application resulting in site plan revisions dated 11/19/18, (Exhibit A-1). Mr. Khan gave a brief recapitulation of the current site conditions. He stated the Applicant proposed to build an addition to the existing structure to include retail space on the ground floor and two one-bedroom residential units on the second floor. He stated current access to the rear parking lot was via an undersized gravel drive isle approximately 16 feet in width; the rear parking area was also gravel. The proposal was to widen the drive isle to 24 feet and pave with asphalt. The rear parking lot would be paved and striped. The plan included planting new evergreens and shrubs. Twenty-one parking spaces were proposed; one parking space would be designated

handicap. The Applicant proposed landscaping improvements where there was currently none along the southeastern side of the property. He stated there would be a trash enclosure for residential tenants; retail tenants had separate trash collection. Mr. Khan stated the parking lot was approximately 8 feet to 10 feet higher than street level. He stated the building structure was below the parking lot by approximately 5 feet to 7 feet. The Applicant proposed to maintain the same grades in the rear and construct a retaining wall. To make the building handicap accessible from the rear parking lot, the Applicant proposed to install a hydraulic elevator lift that would grant access to the lower level sidewalk. Lighting improvements would include a combination of building mounted and pole fixtures; all fixtures would meet Township requirements. In response to Mr. Keller's memorandum dated February 4, 2019, Mr. Khan discussed the proposed storm water management plan (Item #13). He stated the existing conditions did not include a plan; currently water flowed to Harrison Avenue. He stated the new plan would drastically reduce storm water runoff. Mr. Khan concluded his testimony.

The Board questioned Mr. Khan on his testimony including clarification regarding the proposed parking layout, proposed landscaping; storm water runoff; ADA parking; exterior lighting, and snow removal plan. Chairman Weston suggested adding a second handicap parking space.

Mr. Grygiel asked for clarification regarding the proposed hydraulic platform lift.

Mr. Keller asked for clarification regarding the architect's plan regarding the elevations for the walkway and hydraulic lift. He voiced concern about vehicle protection along the western side of the wall; he suggested a guardrail be installed. He asked for clarification regarding the proposed dumpster enclosure. He voiced concern regarding the proposed lighting plan; he suggested the plan include lessening the spillage in to the rear yard. He voiced concern about the lack of an end island for parking spaces; he suggested it be reconfigured to include an additional handicap space and some additional landscaping. Mr. Keller asked for clarification regarding the storm water management plan.

Harvey Grossman, Esq., Public Advocate, asked for additional information regarding the hydraulic lift. He stated he would like to see an illustration of the mechanism.

The Public had no questions for Mr. Khan.

Albert Arencibia, RA, CPA Architecture, was sworn in under oath, stated his professional credentials, and was accepted by the Board to be a professional architect licensed in the State of New Jersey. Mr. Arencibia described the elevations of the two levels of the parking garage and the front sidewalk. He stated the proposed architectural design was intended to complement the adjacent existing building. He stated a type of canopy could be designed to cover the hydraulic lift for use during inclement weather. In response to questions from the Board and its professionals, Mr. Khan agreed that parking in the rear lot would be restricted with appropriate signage; a guardrail would be erected at the top of the retaining wall; the property owner would record a storm water maintenance manual to file with the Department of Environmental Protection; the Downtown Alliance design guidelines would be implemented; there would be two handicap parking spaces; the Applicant would consider eliminating the proposed parking space in the northwest corner of the lot due to back-up constraints; he lighting plan would be revised to avoid spillage on to adjacent properties; and in addition to a canopy; the hydraulic lift would have an emergency contact

communication system installed. He stated the existing building would be power-washed. The new building would have awnings and entrance doors that would tie-in to the existing building. A new gate would be installed at street level to control entrance into the alley where there was access to the second floor apartments.

The Board and Board professionals questioned Mr. Arencibia. It was determined that the architectural plan submitted as exhibit (Sheet A-3) had been revised; it had not been distributed to the Board prior to the hearing. Mr. Arencibia gave a recapitulation of the revisions; he described the proposed structure including the retail space, restrooms, storage areas, new residential units and proposed building materials. In response to questions from the Board and its professionals, Mr. Arencibia agreed that the exterior finish of the building would be cement plank type board and not vinyl siding; and the hydraulic lift would have a canopy; the roof would be light colored to help reduce solar heating.

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

David Karlebach, PP, was sworn in under oath, stated his professional credentials, and was accepted by the Board to be a licensed planner in the State of New Jersey. Mr. Karlebach stated the Applicant's lot was currently a vacant unpaved lot in need of upgrading. He opined the proposed project would provide benefits, which would justify the requested variances as per Municipal Land Use Law (MLUL). Mr. Karlebach testified the maximum lot coverage was 75% permitted where 118.69% was proposed. He stated that under the Ordinance the effective lot area was reduced by the steep slopes. He stated that site improvements could not be made if the lot coverage requirement was strictly applied. He said most of the lot coverage occurred to the rear of the site behind the structures; it was not visible from Harrison Avenue. Mr. Karlebach stated the maximum permitted wall height was 6 feet where 10 feet was proposed. He stated the wall would be 50 feet from the rear property line; it would have little impact on the surrounding neighborhood. Mr. Karlebach stated a sidewalk was required between the parking lot and the building; however, none was proposed because the lot was small and there was already access to the street from the parking lot. Mr. Karlebach stated the revised plan adhered to the 5 feet minimum curbing setback from the building. The required minimum isle parking width was 24 feet; the Applicant proposed 23.6 feet that Mr. Karlebach stated was sufficient for the anticipated traffic. Mr. Karlebach stated one (1) tree was proposed where two (2) were required; he said there were no trees in the internal parking lot but two street trees were proposed. Mr. Karlebach stated that 22 parking spaces had been originally proposed; however, the revised plans indicated there would be 19 parking spaces where 23 were required by ordinance. He stated there was parking on Harrison Avenue and in the municipal lot across the street. He noted ordinance allowed for shared parking for a mixed-use project. Mr. Karlebach stated ordinance required one loading space; however, none was proposed. He noted loading would occur on Harrison Avenue. He stated 5 feet was the required minimum distance from the parking isle to the side lot line due but none was proposed because it was a pre-existing non-conforming condition. Mr. Karlebach stated the Applicant would stabilize the existing eroding slopes to improve the existing steep slopes condition. Mr. Karlebach opined the project would advance the goals of the State by developing a project in an area that was already developed. He opined the proposed small apartments would help provide additional affordable housing. Mr. Karlebach concluded his testimony.

The Board and Board professionals questioned Mr. Karlebach on his testimony.

The Public Advocate had no questions for Mr. Karlebach.

The following member(s) of the Public approached the podium to question Mr. Karlebach:

Sally Malanga, Ridge Road.

The Public had no further questions for Mr. Karlebach.

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

The Public Advocate and Public had no comments on the Application.

Chairman Weston 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 to comply with the comments in the review letter from Bowman dated February 4, 2019.
 9. Applicant to comply with the comments in the review letter from Paul Grygiel, PP, dated October 12, 2018.
 10. Applicant to comply with the comments in the Memorandum from the West Orange Fire Department dated August 10, 2018 except that only the residential area shall be sprinklered.
 11. Applicant to submit revised plans with the following revisions, subject to the review and approval of the Board Engineer and Planner:
 - (i) Light colored or solar reflective roof;
 - (ii) Design lighting to avoid spillover onto neighboring properties,
 - (iii) Provide a stormwater maintenance manual, record same and file a copy with NJ DEP,
 - (iv) Provide specifications for the hydraulic platform lift, including a canopy cover and emergency contact communication system,
 - (v) Utilize cement plank board siding on the exterior of the building, no vinyl siding,
 - (vi) Reconfigure the proposed parking layout to include an additional handicapped space adjacent to the one proposed, and eliminate the parking space in the northwest corner of the parking lot,
 - (vii) Provide landscaping around the handicapped parking area,
 - (viii) Provide additional landscaping in the area of the eliminated parking space in the northwest corner of the parking lot,
 - (ix) Reduce the driveway width to 20 ft. and add additional landscaping in the area between the driveway and the new building,
 - (x) Provide signage at the entrance driveway and in the parking lot restricting access to residents and customers of the building only,
 12. Applicant to comply with the Downtown West Orange Alliance Design Guidelines.
 13. Applicant to comply with all affordable housing contributions and/or fees applicable to the project

14. Applicant to provide an Engineer's Estimate for proposed improvements for the purpose of calculating inspection review fees.
15. Applicant to schedule and attend a pre-construction meeting with the Township prior to commencing work on the site.
16. Comply with the recommendations of the Township Forester set forth in his Memo dated November 28, 2018, subject to his review and approval.

The Board voted on the Application as follows:

Motion: Chairman Weston

Second: Dr. Bagoff

Bagoff:	Yes	Wegner:	Yes
Cardoza:	Absent	Wilkes:	Yes
Keigher:	Absent	Williams (Alt #1):	Yes
Klein:	Absent	Johnson (Alt #2):	Yes
McCartney:	Yes	Weston:	Yes
Trenk:	Yes		

DISCUSSION UPDATE

2019 Master Plan Reexamination Report Update.

DISCUSSION:

Chairman Weston stated that due to inclement weather, the January special meeting for the Master Plan Reexamination kick-off had been canceled. Mr. Grygiel advised the Board the special meeting had been rescheduled for Tuesday March 12, 2019, 7:30 P.M. in the Council Chamber.

MEETING ADJOURNED at approximately 9:37 P.M.

Minutes adopted June 5, 2019.

Robin Miller, Secretary
Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY JULY 3, 2019 AT 7:30 P.M. IN THE COUNCIL CHAMBER.**