

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
MINUTES  
June 1, 2011**

The Township of West Orange Planning Board held a regular meeting on June 1, 2011 at 8:00 P.M., in Council Chambers, 66 Main Street.

Chairman Weston called the meeting to order at approximately 8:01pm. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle and posted on the Township Bulletin Board on January 13, 2011 in accordance with the requirements of the "Open Public Meetings Act."

**PRESENT:** Vice Chairman Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Ben Heller, Jason Lester, Councilwoman Susan McCartney (8:02 P.M.), Chairman Ron Weston, William Wilkes.

**ABSENT:**

**ALSO PRESENT:** Susan Borg, AICP, PP, AIA, Planning Director  
Debbie Dillon, Audio Transcription Service, LLC  
Patrick Dwyer, Esq. Board Attorney  
Robin Miller, Board Secretary

**ROLL CALL**

Vice Chairman Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Ben Heller, Jason Lester, Councilwoman Susan McCartney, Chairman Ron Weston, William Wilkes.

**ADOPT MINUTES**

The minutes of the May 4, 2011 Planning Board meeting were unanimously adopted.

**ANNOUNCEMENTS**

The next regular Planning Board meeting will be held on July 6, 2011 in Council Chambers at 8:00 P.M.

**SWEARING IN**

Director Borg was sworn in.

**RE-ORGANIZATION**

The Board appointed Robin Miller as the Planning Board Secretary.

Vote:

Motion: Vice Chairman Bagoff

Second: Ms. Carlucci

Bagoff	Yes	Carlucci	Yes	Eben	-
Ghebremicael	Yes	Gurland	Yes	Heller	Yes
Lester	Yes	McCartney	Yes	Wilkes	Yes
Weston	Yes				

## DISCUSSION

Chairman Weston said that the Planning Board would be re-organized next month, and advised the Board that he would be stepping down as Chairman.

PB-11-06H/Sandels Home Day Care Center was adopted at the last Planning Board meeting, it was noted that for a facility that is located in a sponsor's home, NJ State requirements do not count the children residing in the sponsor's home in determining whether the facility is serving the minimum number of children that would require it to be licensed as a center.

## APPLICATIONS

### **PB-09-28/Hugh Forfar**

Block: 175.09 Lots: 2&4 Zone: R-5  
45-49 Lincoln Avenue  
Major Subdivision

## EXHIBITS

**A1 – Existing Conditions (Sheet 2 of 7 on site plan.) Explains that (for the record) Cleveland Avenue is Cleveland Terrace.**

**A2 – Typical House Plan for the properties.**

## DISCUSSION

Joseph A. Vena, Esq., attorney represented the application, PB-09-28/Hugh Forfar. Mr. Vena explained the application was seeking a major sub-division to create three lots from two lots, with "C" variances.

Mr. Vena introduced Charles Stewart, P.E., a civil engineer, who was sworn in, stated his credentials, and satisfied the Board that he was qualified to be a certified expert.

Mr. Stewart described the lots and explained that the entire property has a forty foot grade differential from the bottom of the slope to the top of the slope. The property and the road have a sixteen percent (16%) slope.

Existing trees are located on Lot 4; one tree is located on Lot 2.

Three proposed homes with driveways are proposed on the three lots.

### **Variances Required:**

1. Removal of ten (10) trees on a slope greater than fifteen percent (15%);
2. Disturbance on a slope greater than ten percent (10%);
3. Affective lot area variance;
4. Minimum lot size. 10,000 sq. ft. is permitted; proposed Lot 2 is 8,000 sq. ft., proposed Lot 4.01 is 8,000 sq. ft., and proposed Lot 4.02 is 9,000 sq. ft.

Mr. Lepore was unable to attend the meeting but submitted his report dated June 1, 2011 to the Board. At the request of Chairman Weston, Mr. Stewart read the report to the Board. Mr. Stewart confirmed that all issues raised in Mr. Lepore's report had been covered.

Chairman Weston asked the Board for questions regarding the application. The Board asked

questions regarding the storm water runoff, the amount of trees being removed, the placement of trees to be planted, and the proposed layout of houses.

The Public Advocate had no questions regarding the application.

Chairman Weston gave the public the opportunity to ask questions of Mr. Stewart on his testimony.

Aron Frank, 7 Cleveland Terrace

Mr. Frank was worried about the drainage from Township properties, and wanted viable trees to be marked.

Selma Daner, 29 Garfield Avenue

Ms. Daner wanted to know if there would be sufficient screening for the privacy of neighbors.

Chairman Weston called for a meeting break at 9:21 P.M. Chairman Weston reconvened the meeting at 9:32 P.M.

Mr. Vena introduced Peter Steck, P.P., a licensed professional planner, who was sworn in, and stated his credentials. Chairman Weston advised that the Board was familiar with Mr. Steck, and that he was accepted as a certified planning expert.

Mr. Steck gave a description of the property and explained that the applicant had already spent considerable money developing the property, being saddled with the improvements on Cleveland Terrace.

Mr. Steck marked Exhibit A2, Typical House Plan for the properties, and discussed the proposed layout of the homes, garages and driveways. He said there were a high number of non-conforming properties in the area. The new homes would blend in to the existing neighborhood, and promote a more efficient use of the land. Any development would require some tree removal. The lot area variances sought were supported by either a c(1) hardship justification or a c(2) justification where the benefits outweigh the detriments.

Mr. Steck discussed the negative criteria. The houses built in the past do not have sophisticated drainage systems. The applicant will replace trees and grade around them. There will be more shielding with evergreens. There will be street tree plantings. The trees being removed are diseased and weakened. There will be seepage pits and below grade driveways.

The height of the homes was discussed by the Board. The homes shown on Exhibit A2 were 1 ½ and 2 stories, well in keeping with the scale of the lots. It was decided that the height of the homes would be measured by the current ordinance definition rather than any new ordinance definition that may occur in the future.

The Board discussed the current condition of the property and suggested it would be in the best interest of the applicant to have the tree stumps, vehicles and garbage cleaned up before it becomes a punitive matter.

Chairman Weston asked if any members of the public had any questions for Mr. Steck on his testimony. No members of the public had questions.

Chairman Weston asked if any members of the public had any closing comments on the application. There were no further comments from the public.

**Conditions:**

1. Applicant to plant additional shade trees. The shade trees to be placed 30 ft. on center. Plant foundation shrubs and front yard plantings, subject to review and approval by the Planning Director prior to release of the Certificate of Occupancy.
2. Applicant will plant a minimum of six additional evergreen trees behind lots measuring 8 ft to 10 ft in height to act as a buffer. The trees to be subject to the Township Forrester's review and approval prior to release of the Certificate of Occupancy.
3. The applicant will complete all improvement obligations and requirements set forth in the Township Engineer's report dated June 1, 2011 as follows:
  - Two storm drainage structures with connecting piping on Lincoln Avenue at Garfield Avenue.
  - The bituminous concrete surface course on Lincoln Avenue between Garfield Avenue and Cleveland Terrace.
  - The bituminous concrete surface course on Cleveland Terrace.
  - The sidewalk on the northerly side of Lincoln Avenue in this block as well as the lot owned by the applicant on the southerly side of Lincoln Avenue.
  - Street shade tree plantings along the applicant's entire property frontage.
  - Applicant will be required to post a bond for all outstanding improvements. The bond shall be posted prior to the filing of the subdivision map with the County Register in the Hall of Records.
  - The applicant will be required to enter in to a Developer's Agreement with the Township.
  - Individual lot grading and drainage plans must be approved for each lot prior to the issuance of a building permit.
  - Building plans shall be designed so that no storm water runoff is directed to adjoining properties.
4. The maximum height of the homes will be 35 ft. as defined by current ordinance.

The Board voted on the application as follows:

Motion: Chairman Weston

Second: Vice Chairman Bagoff

Bagoff	Yes	Carlucci	Yes	Eben	-
Ghebremicael	Yes	Gurland	No	Heller	Yes
Lester	Yes	McCartney	Yes	Wilkes	Yes
Weston	Yes				

**PB-11-08/Hunterdon County Educational Services Commission**

Block: 63 & 1301 Lots: 25,33.01, 36-41,9-11

Zone: Home Services District (HSD)

47 Standish Avenue

Site Plan for parking of West Orange Public School buses and employee cars/fuel pumps and storage.

**EXHIBITS**

None

## DISCUSSION

Kathryn H. Acosta, Esq., introduced herself as the attorney for the applicant, Hunterdon County Educational Services. Ms. Acosta told the Board that the applicant is currently under contract with the West Orange Board of Education as their school bus provider. The current contract will be renewed in September 2011, and will run through 2015.

Ms. Acosta introduced David Hals, P.E., L.S., P.P., a licensed civil engineer. Mr. Hals was sworn in under oath and presented his credentials. The Board was satisfied that he was qualified to be a certified expert.

Mr. Hals gave a brief overview of the property and the proposed site plan. The applicant will lease the property from All State Salvage Corporation. He told the Board that the property is located along Standish Avenue, Lakeside Avenue and Watchung Avenue. The existing building on the property would not be changed other than minor improvements. Mr. Hals discussed re-grading the parking lot, refurbishing fences, replacing and relocating gates, and the location of the fuel tank. He mentioned that the entire property is located in a flood zone.

Director Borg told the Board that this project would be Township's first opportunity to see redevelopment in the designated redevelopment zone. This project will not require any variances. Chairman Weston said that Director Borg's Planner's Report had made good recommendations.

The Board discussed the placement and protection of the fuel tank, and asked if there would be an alarm system.

The Board discussed that all repairs to buses would be only be done inside the building garage.

The Board discussed the environmental issues regarding the property. Ms. Acosta stated that the lease agreement addresses environmental issues.

The Board discussed the variety of species of plantings, and voiced concerns about their maintenance. It was discussed that as a condition of approval, all landscaping was to be maintained in perpetuity by the applicant.

The Public Advocate had no questions regarding the application.

Chairman Weston gave the public the opportunity to speak about the application.

Evan Samouhos  
44 Standish Avenue

Mr. Samouhos asked if there would be bus traffic on Standish Avenue. Mr. Hals said that all bus traffic will be on Lakeside and Watchung Avenues.

Dennis Cox, the Superintendent of the Hunterdon County Educational Services Commission was sworn in.

The Board and Mr. Cox discussed the number of employee parking spaces needed, and the possibility of eliminating some of those parking spaces in favor of more landscaping. Chairman Weston asked that a condition for approval would be to study and evaluate having employee parking spaces moved or eliminated in favor of more landscaping.

Sin-U Nam, A.I.A., a licensed architect, was sworn in. Mr. Nam stated his qualifications to the Board. Chairman Weston said Mr. Nam was accepted as a licensed architect in New Jersey.

Mr. Nam described the current site and the obligations of the property owner to have the site cleaned up. He described minor changes to the interior of the existing building including an employee break room. He indicated that a full kitchen would not be installed.

Mr. Nam discussed the proposed improvements to the exterior of the building, including the painting of the exterior.

Mr. Eben mentioned protection of edges. He suggested Mr. Nam take a look at the DPW building on Franklin Avenue.

At the request of Chairman Weston, Director Borg presented her recommendations to the Board.

Chairman Weston said that all of Director Borg's recommendations were to be included as a condition of application approval.

**Conditions:**

1. The applicant will maintain all landscaping in perpetuity.
2. Bus traffic will only travel on Lakeside Avenue and Watchung Avenue.
3. All of Director Borg's recommended property improvements will be made as follows:

Standish Avenue

- Barbed wire to be removed from fence.
- Grass slat inserts to be installed in fence.
- Current signage removed.
- New sign installed.
- The building façade is concrete block/stucco. Paint the entire façade.
- Entrance door to be cleaned and painted.
- Garage door to be painted.
- Remove asphalt pad and install sidewalk, curbs and planting strip.

Rear of building - Parking Lot

- Paint entire exterior concrete facade, rear door, rear garage door.
- Southside rear parking fence – install new grass slats in existing fence and remove all barb wire from fence.
- Parking lot to be milled and graded. Install retaining wall in area in need of grading.
- Southside upper parking lot fence 6' high – put grass slats in existing fence/remove barb wire.
- Locating fuel tank.
- Locating two-way dispenser for buses to refuel.

Watchung Avenue – City of Orange

- Fence is currently on right of way. It will be set-in 2 ft. onto site property.
- Old slate sidewalk to remain.

- Entire side needs plantings (Arborvitae Green Giant *Thuja plicata* with a mixture of flowering plants).

Lakeside Avenue

- Fence in upper lot (on Lakeside Avenue side) (33.01) to be moved 15 ft. to the west. Remove barb wire.
- Starting line about 10 ft. in for planting.
- Replace fence and remove barb wire.
- Keep healthy trees – move fence either in front or behind.
- Remove dead trees and obnoxious weeds.
- Remove existing gate entry and curb cut.
- Install new gate, curb cut and sidewalk.

Lakeside/Watchung Avenue Corner

- Remove existing signs.
- Remove existing poles.
- Remove obnoxious weeds.

The Board voted on the application as follows:

Motion: Chairman Weston

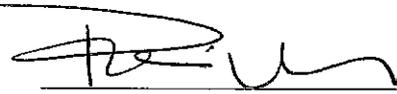
Second: Councilwoman McCartney

Bagoff	Yes	Carlucci	Yes	Eben	-
Ghebremicael	Yes	Gurland	Yes	Heller	Yes
Lester	Yes	McCartney	Yes	Wilkes	Yes

Chairman Weston motioned to adjourn the meeting and Vice Chairman Bagoff was second on the motion.

**MEETING ADJOURNED** at 11:26 P.M.

Minutes adopted on July 6, 2011.



Robin Miller, Planning Board Secretary