

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MINUTES
August 1, 2012**

The Township of West Orange Planning Board held a regular meeting on August 1, 2012 at 8:00 P.M., in Council Chambers, 66 Main Street.

Chairman Bagoff called the meeting to order at approximately 8:04 P.M. 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 4, 2012 in accordance with the requirements of the "Open Public Meetings Act".

Chairman Bagoff requested all persons in attendance stand for the Pledge of Allegiance.

PRESENT: Chairman Bagoff, Joanne Carlucci, Jerome Eben, Gerald Gurland, Vice Chairman Ben Heller, Lee Klein, Jason Lester, Councilwoman Susan McCartney, William Wilkes II, Ron Weston

ABSENT: Tekeste Ghebremicael

ALSO PRESENT: Eric Keller, P.E., P.P., Omland Engineering Associates, Inc.
Debbie Dillon Audio Transcription Service, LLC
Patrick Dwyer, Esq., Board Attorney
Robin Miller, Board Secretary

ROLL CALL

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

ADOPT MINUTES

DISCUSSION

The Board discussed the accuracy of the minutes from the July 11, 2012 meeting, and whether a verbatim written transcript of the July meeting should be made available for the Board to review.

The Board voted on adopting the minutes of the July 11, 2012 meeting as follows:

Motion: Carlucci

Second: Councilwoman McCartney

Carlucci	Y	Eben	N	Ghebremicael	-
Gurland	N	Heller	Y	Klein	-
Lester	Y	McCartney	Y	Weston	Y
Wilkes	Y	Bagoff	Y		

The Board voted on requesting a verbatim written transcript of the July 11, 2012 meeting:

Motion: Gurland

Second: Eben

Carlucci	N	Eben	Y	Ghebremicael	-
Gurland	Y	Heller	N	Klein	-
Lester	N	McCartney	N	Weston	N
Wilkes	N	Bagoff	N		

ANNOUNCEMENTS

The next regular Planning Board meeting will be held on September 6, 2012 in Council Chambers at 8:00 P.M.

SWEARING IN

Eric L. Keller, PE, PP, Omland Engineering, was introduced as a professional planner and professional engineer hired by the Township.

RESOLUTION(S)

PB-12-13T/Definitions Hair & Wig Studio/Kim Lee

Block: 114.01; Lot: 17; Zone: B-1

296-298 Main Street

Technical Site Plan to lease retail space for a hair and wig salon.

DISCUSSION

Chairman Bagoff gave a brief description of the application approved by the Technical Review Subcommittee with the following conditions:

1. In order to open the applicant must possess appropriate license from the New Jersey State Board of Cosmetology and Hairstyling;
2. All licenses must be posted for inspection;
3. Signage to be approved by Planning Director or Zoning Official.
4. Obtain a CCO prior to business opening.

There was discussion regarding whether the Director of the Downtown Alliance, Denise Esposito, had reviewed the application and submitted a report. It was determined that Ms. Esposito did attend the Technical Review meeting to discuss the application with the Applicant and Committee.

Chairman Bagoff called for a vote on the Resolution.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Vice Chairman Heller

Carlucci	Y	Eben	N	Ghebremicael	-
Gurland	Y	Heller	Y	Klein	-
Lester	Y	McCartney	Y	Weston	Y
Wilkes	Y	Bagoff	Y		

APPLICATION(S)

PB-12-09/Prism Green Urban Renewal Associates IV, LLC

Block: 66; Lots: 1, 5 & 7; Zone: E-MU

175-177 Main Street

Amended Preliminary and Final Major Site Plan.

Carried from the June 6, 2012 meeting.

EXHIBITS:

A-1 – Disc, Power Point Presentation entitled “West Orange Redevelopment Project Phase I”

A-2 - Material Board

A-3 – Color Rendering (two panels)

A-4 – Color Rendering of Main and Charles Street façade

A-5 – Site Plan – Drawing 20.01

A-6 – Traffic Impact Study dated July 10, 2007

DISCUSSION

Francis X. Regan, Esq., DeCotiis, FitzPatrick & Cole, LLP, attorney for the Applicant appeared before the Board. Mr. Regan said the testimony for the Application was a continuance from the July meeting.

Mr. Regan introduced John E. DiGiacinto, P.E., Langan Engineering & Environmental Services. Mr. DiGiacinto advised the Board he had been involved in the original Application. Referring to Exhibit A-5-Site Plan – Drawing 20.01; he gave a detailed description of the amended site. Mr. DiGiacinto said there were two major changes to plan: the removal of the townhouses and the courtyard redesign. He said the site plan changes were fairly simple. The overall storm sewer system had not changed; it was still in compliance. Because there would be an overall reduction in the number of bedrooms, the change in use would result in an approximately eight-percent (8%) reduction in water use. Mr. DiGiacinto briefly described the changes to the courtyard area; also, he stated that the streetscape design for Main Street, Charles Street, Ashland Avenue and Lakeside Avenue had not changed from previous approval. Additionally, Mr. DiGiacinto said he had reviewed the reports from the Township’s Engineer and Township’s Planner; he said he had no problem making the recommended changes to the site plan.

The Board asked Mr. DiGiacinto for clarification on the water reduction. Mr. Regan asked Mr. DiGiacinto to confirm that the overall reduction in the number of bedrooms would result in less water usage.

The Board asked Mr. DiGiacinto about the redesigned landscape architecture, and the increase in the pervious coverage due to the elimination of the townhouses. The Board asked about the proposed vegetation; whether a plan was proposed for harvesting rainwater. There was discussion about the water and sewer lines off-site improvements; Mr. DiGiacinto said he had discussed the off-site improvements with Director Lepore.

The Board asked Mr. DiGiacinto for details regarding the proximity of the parking garage to the retail space. Mr. DiGiacinto advised there was ground floor level accessibility to the retail space.

Mr. Keller asked Mr. DiGiacinto to confirm that the location of the water lines and sewer lines

had not changed from the original plan. Additionally, Mr. Keller asked Mr. DiGiacinto to advise the status of the Department of Environmental Protection (DEP) approval. Mr. DiGiacinto said the applicant had not yet received approval from the DEP.

The Board expressed concern regarding the length of time expected for the applicant to get DEP approval. Mr. DiGiacinto said it was his experience that while the State may take up to 90 days to review a project, the State (on average) takes 35-40 days to reply. Mr. DiGiacinto said there was nothing unusual about the water and sewer lines; Mr. Regan advised the Board that the Applicant was ready to submit its application to the DEP upon Planning Board approval of the amended site plan.

The Board had no further questions Mr. DiGiacinto.

The Public Advocate and the Public had no questions for Mr. DiGiacinto.

Mr. Regan introduced the Applicant's traffic expert, William G. Lothian, P.E., Langan Engineering & Environmental Services. Mr. Lothian was sworn in; stated his professional credentials; and advised the Board he had testified previously on behalf of the original application. The Board accepted him as a qualified witness.

Mr. Regan asked Mr. Lothian for a recapitulation of the 2007 traffic impact analysis, (Exhibit A-6 - Traffic Impact Study dated July 10, 2007). Mr. Lothian said the initial traffic assessment was done in 2007; an addendum report was prepared in May 2012. The original study was for a much larger project; it encompassed eight area intersections. In 2012, new traffic counts were taken at the intersections of Main Street and Lakeside Avenue, Main Street and Charles Street, and Main Street and Park Avenue. The volumes were compared with the No Build Peak Hour volumes from the original study. The new study showed significant decreases at most locations and only a few movements that showed a minor increase. Overall, the traffic counts were similar to the 2007 study; indicating no significant negative impact. Mr. Lothian said the 2007 and 2012 studies were both conservative; it was his opinion that the new configuration of 334 rental units would result in a slight increase in morning and afternoon trips; but overall the results of the original 2007 study were still valid.

The Board asked Mr. Lothian about the traffic queuing from Charles Street to Main Street; the Board also asked if one-way traffic patterns during peak hours had been considered. The Board asked Mr. Lothian to advise the level of service at the various intersections. Mr. Lothian said the level of service was not submitted as part of the new application; but based on the 2007 study, the level of service at Main Street and Charles Street was "A", and the most critical level of service was a "D" at Main Street and Lakeside Avenue. A traffic signal at the intersection of Main Street and Lakeside Avenue had been previously proposed, but not yet installed. Discussion occurred regarding whether the study recommended the widening of area streets, and if additional traffic signals should be installed. Mr. Lothian was asked to detail the day of the week and the time of day the original study was done as compared to the May 2012 study; and if traffic hoses were used in either study. Mr. Lothian advised the original study was done on Tuesday, July 10, 2007 during A.M. and P.M. peak hours; the most recent study was conducted on Friday, May 11, 2012 from 7:00 A.M. to 9:00 A.M. and from 4:00 P.M. to 6:00 P.M. The Board remarked that traffic counts done on Friday might sometimes be higher. Mr. Lothian said that traffic hoses were not utilized for either study.

There was further discussion regarding area traffic patterns; the points of egress and ingress for the parking garage on Charles Street; and if any changes to the current traffic patterns were

proposed for the area. Mr. Regan stated no changes to the existing traffic patterns were proposed as part of the amended site plan.

The Board had no further questions for Mr. Lothian.

Harvey Grossman, Esq., Public Advocate asked Mr. Lothian to confirm the current traffic patterns for Ashland Avenue, Charles Street, and Park Avenue and their locality to Main Street. Mr. Grossman asked if the streets around the development should remain open to two-way traffic or change to one-way. Mr. Lothian said one-way traffic would result in more difficult traffic conditions.

Chairman Bagoff asked the members of the public if they had questions for Mr. Lothian regarding the heard testimony.

Rosary Morelli, 22 Ralph Road.

Councilman Joe Krakoviak, 20 Grandview Avenue.

Christine Bosco, 4 Masson Place.

Chairman Bagoff announced a brief recess at approximately 9:36 P.M.; he re-convened the meeting at approximately 9:47 P.M.

Chairman Bagoff requested the Applicant address the Board regarding heard testimony for the amended plan that differed from 2007 testimony, which originally indicated the plan was for a commuter village.

Eugene R. Diaz, Principal, Prism Capital Partners, LLC was sworn in. Mr. Diaz said the 2007 traffic study was not based on a jitney service; and the trip generation did not take into account a jitney service. He did indicate that the 2007 testimony discussed the possibility of extending the existing jitney service to Main Street. Mr. Diaz said that at that time, Mr. Lepore indicated that if there were demand, then extending the jitney route would be considered.

There was further discussion between the Board, Mr. Diaz and Mr. Lothian regarding the parking garage and parking requirements. Mr. Lothian described the proposed parking; he said the parking was compliant with the Residential Site Improvement Standards (RSIS); he compared the RSIS requirements from the prior approval to those of the proposed plan. Referring to Exhibit A-5- Site Plan -- Drawing 20.01, Mr. Lothian described the five-level parking garage including garage circulation; the location of the 78 retail parking spaces; the location of the residential parking spaces; access to both the retail and residential spaces; and garage security. Mr. Regan said a gate with FOB card access would be installed for residential parking area, the garage would not have manned security; and while the Applicant wished to reserve the right to change its policy, residential parking was currently intended to be on a first-come, first-serve basis. The Board expressed concern that residents would occupy the retail parking. Mr. Diaz said that the garage was constructed in such a way that the retail parking spaces were located at a far point from the entrances to the residential buildings. There was discussion about the availability of over-night street parking for residents who currently resided near the redevelopment area.

The Board and the Applicant discussed retail parking on Main Street; the number of employees requiring parking spaces, the hours of operation/access to retail spaces, and the plan for how trucks would deliver merchandise/supplies to retailers. Mr. Lothian said if available, trucks

would use open parking on Main Street for deliveries. The Board indicated concern that trucks unloading deliveries along Main Street would create hazardous conditions.

The Board expressed concern about the adequacy of the project's proposed garage. Among the items cited were the level of service had not been evaluated; there was not a second means of egress for a garage with over 100 parking spaces; and the width of the Charles Street ingress/egress was inadequate. Additionally, the Board advised the Applicant that questions regarding vehicle departure in the case of an emergency, emergency vehicle access to the property, and fire code compliance had no been adequately addressed. The Board advised the Applicant to provide a level of service for the garage for safety and all other regulations.

Mr. Keller said that the internal gate mechanism to gain access to the garage levels was not indicated in the plan; if the gate location eliminated any parking spaces, the plan must indicate where the spaces would be located.

At approximately 10:50 P.M., Chairman Bagoff announced that due to the lateness of the hour, the Application would be carried to the September 5, 2012 meeting.

PRESENTATION/DISCUSSION (Patrick Dwyer, Esq.)

Pending New Jersey Legislation with the stated purpose of "equalizing the standing of private and public colleges before land use agencies".

DISCUSSION

Mr. Dwyer gave a brief description of the pending legislation; he said the affect of the bill would be catastrophic. Mr. Dwyer requested the Board adopt Planning Board Resolution #12-02; which opposed the legislation. The Board briefly discussed the pending legislation.

The Board voted on the Resolution as follows:

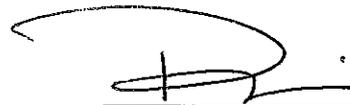
Motion: Chairman Bagoff

Second: Mr. Eben

Carlucci	Y	Eben	Y	Ghebremicael	-
Gurland	Y	Heller	Y	Klein	-
Lester	Y	McCartney	Y	Weston	Y
Wilkes	Y	Bagoff	Y		

MEETING ADJOURNED at approximately 11:05 P.M.

Minutes adopted September 5, 2012



Robin Miller, Planning Board Secretary

****THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
OCTOBER 10, 2012 AT 8:00 P.M. IN COUNCIL CHAMBERS ****