

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MINUTES
February 6, 2013**

The Township of West Orange Planning Board held a regular meeting on February 6, 2013 at 7:30 P.M. in Council Chambers, 66 Main Street, West Orange, New Jersey.

Chairman Bagoff called the meeting to order at approximately 7:30 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 December 6 2012, in accordance with the requirements of the "Open Public Meetings Act".

PRESENT: Chairman Bagoff, Joanne Carlucci, Jerome Eben, Gerald Gurland, Vice Chairman Ben Heller, Lee Klein, Councilwoman Susan McCartney (7:38 P.M.)

ABSENT: Tekeste Ghebremicael, Jason Lester, Ron Weston, William Wilkes II

ALSO PRESENT: Paul Grygiel, AICP, PP, Acting Township Planner; Patrick J. Dwyer, Esq., Board Attorney; Robin Miller, Board Secretary; Debbie Dillon, Audio-Digital Transcription Service

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

ANNOUNCEMENTS

The next regular Planning Board meeting will be held on **March 6, 2013** at 7:30 P.M. in Council Chambers.

ADOPT MINUTES

Adopt the minutes of the January 2, 2013 Planning Board meeting.

The Board voted on adopting the minutes of the January 2, 2013 meeting as follows:

Motion: Chairman Bagoff

Second: Mr. Gurland

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

SWEARING IN

Paul Grygiel, AICP, PP, Phillips Preiss Grygiel LLC, Acting Township Planner.

RESOLUTIONS

PB-12-30/Alcatel Lucent c/o Coral Links Ltd.

Block: 84.01; Lot: 22; Zone: B-1
10 Marcella Avenue

Conditional Use and Amended Site Plan with "C" Variance Relief to install two (2) dish antennas on to an existing tower and ancillary equipment beneath tower.

DISCUSSION

Mr. Dwyer advised the Board there were minor changes to the wording in the Resolution; he listed changes.

Mr. Eben stated the revised antenna height of 40 feet was within the footprint of the existing tower. Mr. Grygiel concurred.

Chairman Bagoff called for a vote on the Resolution.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Mr. Gurland

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

PB-12-32T/Saint Barnabas Medical Center

Block: 155; Lot: 26; Zone: O-RA
375 Mt. Pleasant Avenue

Technical Site Plan to renovate 8,263 SF of first floor of existing medical building for a Pediatric Specialty Center.

DISCUSSION

Chairman Bagoff advised the Board that the Technical Review Committee at its last meeting approved the Application. He asked the Secretary to read the conditions of the Approval. The conditions were as follows:

1. Site Plan shall show proposed interior and exterior signage details; signage to be approved by Planning Director or Zoning Official;
2. Drawing A1.1 (Partial First Floor Plan, Rotwein & Blake Associated Architects P.A.) shall be amended to identify elevator.
3. Applicant shall submit a permit package to the Building Department to secure all necessary building permits;
4. Applicant shall execute, prior to issuance of Certificate of Occupancy, an Affidavit of Compliance certifying that all conditions have been met.

Mr. Eben inquired as to how it was determined that the renovation was over \$100,000; he said the reason for asking was his concern that by going before the Technical Review Committee, the Applicant had to delay the process of renovation; thus delaying the opening of a business with a beneficial use to the community. Chairman Bagoff said the inquiry should be directed to Zoning Official, Geniece Gary-Adams.

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:	Y	Ghebremicael:	-
Gurland:	Y	Heller:	Y	Klein:	Y
Lester:	-	McCartney:	Y	Weston:	-
Wilkes II:	-	Bagoff:	Y		

PB-12-33T/Jewish Community Center of MetroWest, Inc.

Block: 165; Lot: 15; Zone: R-2

760 Northfield Avenue

Technical Site Plan for interior renovations to spinning room, multi-purpose room and hallway finishes.

DISCUSSION

Chairman Bagoff advised the Board that the Technical Review Committee at its last meeting approved the Technical Review Application. He asked the Secretary to read the conditions of the Approval. The conditions were as follows:

1. An egress plan during construction shall be submitted and approved by the Building Department;
2. All necessary structures in the renovation area shall be fire rated as there are no sprinklers in the part of the property;
3. The Applicant shall renew its municipal massage license and all practitioners of massage employed by the Applicant shall be likewise registered with the municipality in conformity with the municipal ordinance concerning massage;
4. The Committee and Applicant agreed their mutual preference for elevator service to provide access to this level for people with disabilities although such service is not required at this time by applicable law.

Mr. Eben voiced concern regarding the Application being heard by the Technical Review Committee. He did not believe the renovation was for an amount over \$100,000.00. He opined that other than the Applicant stating the dollar amount verbally to the Zoning Official, there was currently no other way to determine the cost of renovations. Mr. Eben suggested that the Technical Review Application might be amended to include the total amount of renovations be provided by the Applicant in writing.

Chairman Bagoff called for a vote on the Resolution.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Mr. Gurland

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

APPLICATION

PB-12-34C/County of Essex-South Mountain Recreation Complex

Block(s): 162, 163 & 164; Lot(s): 1, 2 & 13; Zone: R-1

9 Cherry Lane

Courtesy Review Application for re-located paddleboat attraction including new pavilion, sales shed, floating dock, pre-fabricated restroom and parking area improvements.

EXHIBITS

A-1 – Conceptual Layout

A-2 – Preliminary Conceptual Plan

A-3 – Preliminary Conceptual Elevation

A-4, A-5, A-6, A-7, A-8 – Preliminary Conceptual Construction Details

DISCUSSION

Mark L. Fleder, Esq., Connell Foley LLP, attorney for the County of Essex, introduced the Application; he told the Board the Application was similar to the one they approved in May 2012. Since then, due to technical reasons, the County had determined to relocate the boat launch to Cherry Lane at the former site of an old dilapidated structure that had been a caretaker's home. Mr. Fleder advised the Board that County Engineer and Director of Public Works, Sangeev Varghese, was present to answer questions.

Michael J. Piga, C.L.A., R.L.A, French & Parrello Associates, P.A. Consulting Engineers was sworn in; stated his credentials; and was accepted by the Board to be an expert witness. Mr. Piga testified that the area to be developed would be along Cherry Lane. Referring to Exhibit A-1, Mr. Piga described the plan. The boat launch would be located across the street from an existing parking lot on Cherry Lane. From the area of McLoone's Restaurant, a new walkway and lighting would progress to the proposed boat launch along the reservoir. A new 60' X 30' pavilion, new pre-fabricated restroom and new ticket booth/storage shed would be erected. Approximately twenty-five paddleboats would be available for rental; a pedestrian drop-off area made of stamped concrete would be located in front of the boat launch. New landscaping, new gates and new seating along the reservoir would be installed. The area would be tied together with a nautical theme.

Referring to Exhibit A-3, Mr. Piga described the area; from McLoone's restaurant there would be a main walkway 16 ft. wide, made of stamped concrete creating a clean path to the boat launch area. Trash receptacles would be installed along the

walkway. A nautical themed pavilion with a patio area of 80' X 50'; with a capacity of approximately 200-250 occupants would be erected.

Mr. Fleder inquired if the proposed walkway would be wide enough to accommodate an emergency vehicle. Mr. Piga answered in the affirmative.

Referring to Exhibit A-4, Mr. Piga described the pre-fabricated bathrooms; timber pick-up, log cabin with nautical themed lighting fixtures.

Referring to Exhibit A-5, Mr. Piga described the pre-fabricated ticket sales/equipment storage shed. The shed would be sheeted; there would be a cupola. The shed could accommodate two or three employees and would be air-conditioned. Mr. Piga said the plaza area would be constructed of stamped concrete.

Referring to Exhibits A-6, A-7 and A-8, Mr. Piga detailed the proposed signage fencing, and paddleboats, the construction materials, and that all would be tied-in with a nautical theme.

Mr. Eben stated the site plan showed an existing walkway. Mr. Piga said there was an existing walkway that was going to be replaced. Mr. Eben and Mr. Piga discussed the elevation change and the depth of the water. Mr. Eben said he was concerned about child safety. Mr. Eben said the parking requirement for a pavilion with occupancy of 200 did not meet zoning ordinance requirements. Additionally, the proposed restrooms did not meet ADA requirements; he inquired why would the County risk being sued if a disabled person did not have access to a restroom. Mr. Eben said the plan did not include water fountains, as required by plumbing code. Mr. Eben said he was also concerned that the ticket booth was not ADA compliant. Mr. Piga answered that the plan was conceptual; if a large group used the facility; the County would install temporary port-a-sans.

Councilwoman McCartney inquired if the site would be available for people to rent by permit. Mr. Piga answered in the affirmative.

Chairman Bagoff asked if the proposed bathroom structure was ADA compliant. Mr. Piga said that based on the specifications of the Oregon manufacturer, he believed it to be ADA compliant. Chairman Bagoff inquired if the County was withdrawing the previous approval for the boat launch. He also asked if there swimming would be permitted; would food concession be offered to the public. Mr. Piga said swimming and food concession were not part of the plan.

Referring to Exhibit A-2, Mr. Heller asked Mr. Piga to identify another building that was shown on the plan. Mr. Piga said it was a sanitary pump station. Mr. Heller asked Mr. Piga to describe the parking area and proposed crosswalk configuration. Additionally he inquired if a guardrail would be installed to impede meandering in to the woods.

Mr. Gurland stated that the water level in the reservoir was low. He asked how was the reservoir fed. Mr. Piga said there was four miles of watershed that fed in to the reservoir. The dock and its railing would rise and fall with the level of water.

Mr. Klein inquired if the parking lot included handicap accessible spaces. He opined that the circulation of the parking area looked backwards.

Councilwoman McCartney inquired as to heat island affect. She asked if there could be more shade tree landscaping. Mr. Piga answered that the plan called for maximizing the current condition of the lot but that more shading could be added.

Mr. Eben stated there was a zoning ordinance requirement for a number of trees for so many parking spaces. He wanted to know why the County should be exempt. Mr. Grygiel cited Section 25-12.1(o.) – General Provisions for Off-Street Parking, requiring one tree and ground level planting for every ten parking spaces. Mr. Piga said the County would comply with the ordinance.

Harvey Grossman, Public Advocate, asked if Green Acres or Open Space funding was financing the plan. Mr. Fleder advised the Applicant was not required to answer the question.

Mr. Grygiel inquired if there was a parking plan for special events; would parking be allowed on grassy areas. Mr. Piga said overflow parking would be directed to the McLoone's parking area, approximately 2,000 feet from the boat launch.

Suzanne Robinson, 34 Dogwood Drive, asked about the boat launch elevations; if DEP approval was necessary for cutting in to the wall; how much water would be displaced by the paddleboats; would people be displaced from using the current picnic area; would the gate be closed at night. Ms. Robinson said she had read City of Orange residents would be given a fifty-percent discount; why not one for West Orange residents; and what were the proposed hours of operation. Mr. Fleder said the next witness could answer the question regarding hours of operation. Mr. Piga said there would be a floating dock with fencing. The ramp would have a hinge. Buoys would be placed in the area. The gate would be closed at night and the Essex County Sheriff's Department would patrol the area. The picnic tables near the parking lot would not be moved.

Mr. Robert Rashkes, 35 Oak Crest Road, asked if a traffic study had been done; what was the configuration of the new parking lot; would curbing be installed along Cherry Lane; what was the storm management plan; would the stamped concrete in the pavilion area be graffiti-proof. Mr. Rashkes was advised that a traffic study had been completed; the parking area was comprised of asphalt and stone and could accommodate up to forty-three buses; curbing would not be installed on Cherry Lane, just a sidewalk; a storm water management plan was not required as part of the Application; and that the area would be maintained by Turtleback Zoo employees.

Derek Cocovinis, 48 Baxter Lane, a member of the South Mountain Conservancy, asked if this plan was a moneymaking operation. Mr. Cocovinis stated that there were receptacles in the area but the receptacles were never emptied, all the trash ended up in the water. Chairman Bagoff advised Mr. Cocovinis to contact the office of the County Executive, Joe DiVincenzo, to discuss any financial agreements between Essex County and the City of Orange.

Marybeth Russell, 20 Oak Crest Road, stated she was concerned about the fumes and noise generated by buses parking in the area. Councilwoman McCartney acknowledged that when the County Fair was held in the area there were a lot of parking issues; currently the Township had an anti-idling ordinance in place.

Mr. Gurland stated that potentially eight-hundred students would be at the facility.

Mr. Eben stated the County must be able to accommodate all occupants.

Mr. Heller asked if it was fair to say that the parking lot would be able to accommodate all vehicles for special events. Mr. Piga answered in the affirmative.

Mr. Grossman asked if the Archery Field would be used for parking. Mr. Fleder said the County Engineer could answer the question.

Sangeev Varghese, Essex County Engineer and Director of Public Works, was sworn in and accepted by the Board to be an expert witness.

Mr. Fleder asked Mr. Varghese if a traffic study had been done, and if he could explain the configuration of the proposed traffic lights. Mr. Varghese said a traffic study had been done; and that two different traffic lights would be installed with synchronized timing. He described the proposed pedestrian drop-off. Mr. Varghese said the parking lot was an existing lot that would continue to be open to the public and all town ordinances would be observed. Larger groups using the facility would be issued a permit from the Essex County Department of Parks. The parking lot would be able to accommodate buses for large group events.

Mr. Fleder said that during the Planning Board Technical Review Subcommittee meeting, there was a question regarding the lack of a fire hydrant in the plan; was a fire hydrant necessary for this proposed plan. Mr. Piga said that the proposal was typical to that found in similar parks; the Fire Sub-code Official had advised that the reservoir could be utilized and there was access for a fire truck.

Councilwoman McCartney inquired if there were plans to have parking on the other side of Cherry Lane. Mr. Varghese said there were no plans.

Mr. Gurland asked who was responsible for the area's security. Mr. Varghese said the County Sheriff's office.

Mr. Eben stated there was some testimony regarding the signage; he said he was concerned about the continued banner signage along the route that was totally against the Township's sign ordinance. Mr. Varghese said he had no say over the signage.

Mr. Grossman referred to the open area shown on the plan and inquired if the area would be used for parking. If it were used for parking would it not degrade the quality of the field. Mr. Varghese said it was not a designated parking area; and that yes, the field would be degraded if used for parking but the County makes every effort to preserve the open space. The area would be reseeded when necessary. Mr. Fleder interjected that the questioning had nothing to do with the Application. Chairman Bagoff stated that Mr. Fleder's concern was noted.

Mr. Robert Rashkes, 35 Oak Crest Road, asked if there was an emergency phone in the area. Mr. Varghese said no.

Derek Cocovinis, 48 Baxter Lane, asked about trash collection; how would it be monitored; he also asked if there were any plans for dredging the reservoir. Mr. Varghese said that within the boundaries of the project area, the County would be doing trash collection. The City of Orange was responsible for their property. Mr. Varghese said there was no plans to dredge the reservoir and that issue was out of the scope of the Application.

Chairman Bagoff inquired as to what was the schedule for garbage pick up.

Mr. Fleder said that Dr. Goodman, Director of Turtle Back Zoo, would be managing the project and was present to testify regarding operations.

Dr. Jeremy Goodman, Director, Turtle Back Zoo was sworn in and accepted by the Board to be an expert witness. Dr. Goodman said that trash pickup would be done once daily. The hours of operation would be 10:00 A.M. to ½ hour before dusk. The facility would be closed during winter and inclement weather. The Zoo staff would run the facility; the staff would be trained in water safety.

Mr. Eben stated the Zoo staff was responsible to perform the daily clean up, but a member of the public said that cleaning up was not being done on a daily basis. Mr. Eben said that although Mr. Piga said there would be a mop sink, the plan did not indicate it; he doubted one would be provided since there was no connecting walk between the restroom and mechanical area at the other side of the structure.

Councilwoman McCartney stated that 500,000 people were visiting the zoo annually. She asked if storing the boats in the water overnight would create an unsafe condition. Dr. Goodman said it was standard to leave the boats chained up overnight; there would be a regular sheriff patrol, and the boats weighed a great deal.

Suzanne Robinson, 34 Dogwood Drive, asked if life preservers would be required and would there be an emergency boat. Dr. Goodman answered in the affirmative.

Testimony concluded; the Board deliberated on the Application.

Mr. Eben said he really enjoyed the Complex. He was concerned that the County continued to retain the wrong persons to design the facilities. He said the restrooms must conform to code; he questioned if a pre-fabrication company in Oregon was aware of New Jersey laws.

Councilwoman McCartney said she was concerned about ADA compliancy and the proposed traffic signals.

Mr. Heller opined the County did a good job with the projects and maintaining the facilities.

Mr. Grossman stated that each project taken separately enhanced the property but the original purpose of the reservation was to have a wild state for all surrounding communities. The surrounding area had been negatively impacted by the projects.

The reservation should be kept in a wild state. The area was overdeveloped; it had negatively impacted the Dogwood area and the St. Cloud area. He asked that the Board deny the Application and send a message to the County.

Mr. Robert Rashkes, 35 Oak Crest Road, thanked Mr. Dwyer for his recommendation that the Applicant notice area residents. He then read a prepared statement.

Recommendations:

1. County should ensure that the design and capacity of the rest room facilities are both ADA compliant and sufficient to serve the proposed number of visitors;
2. The County stipulated and agreed to comply with the Township anti-idling ordinance, with the requirement for shade trees in the parking lot pursuant to West Orange ordinance Section 25-12.1(p) and with applicable laws regarding installation of water cooling/drinking fountains;
3. The County agrees to withdraw its prior plans for a similar boat launch facility which was previously reviewed by this Board in May, 2012;
4. In addition to following all applicable building code requirements, the County shall also comply with the County Master Plan for the Turtle Back Zoo Recreation Complex.

Chairman Bagoff called for a vote on the Application.

The Board voted on the Application as follows:

Motion: Chairman Bagoff

Second: Vice Chairman Heller

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

MEETING ADJOURNED at approximately 9:36 P.M.

Minutes adopted March 6, 2013



Robin Miller, Planning Board Secretary
Township of West Orange

****THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE APRIL 3, 2013 AT 7:30 P.M. IN COUNCIL CHAMBERS****