

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MINUTES
August 7, 2013**

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

Chairman Heller 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, and posted on the Township Bulletin Board on December 6 2012, in accordance with the requirements of the "Open Public Meetings Act".

PRESENT: Chairman Ben Heller, Robert Bagoff, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Lee Klein, Council President Susan McCartney, Vice Chairman Ron Weston

ABSENT: Joanne Carlucci, Jason Lester, William Wilkes II

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

ANNOUNCEMENTS

The next regular Planning Board meeting will be held on **Tuesday September 10, 2013** at 7:30 P.M. in Council Chambers.

Chairman Heller announced that the Township Council had re-appointed Council President McCartney to the Planning Board for 2013-2014.

ADOPT MINUTES

The minutes of the July 9, 2013 Planning Board meeting were adopted unanimously.

SWEARING IN OF PROFESSIONALS

Paul Grygiel, AICP, PP, Phillips Preiss Grygiel LLC, Acting Township Planner.
Frank Russo, PE, PP, Omland Engineering Associates, Inc.

RESOLUTION(S)

PB-13-13T/Family Grocery Store LLC

Block: 125; Lot: 4; Zone: B-1

130 Whittlesey Avenue

Technical Site Plan to lease space for retail grocery store.

DISCUSSION:

Mr. Weston gave the Board a recapitulation of the Technical Application for a retail grocery store, without variances, approved by the Technical Review Subcommittee at the July 11, 2013 meeting with the following conditions:

1. Plan to be revised to indicate there will be no designated parking on the left side of the building, the area to be cleared of debris;
2. Garbage pick-up will be at least twice per week, additional pick-up will be scheduled if necessary;
3. Applicant will use rodent-proof trash receptacles;
4. Plan will correctly indicate handicap accessibility including the designated deli area;
5. Outside of building to be cleared of overgrown weeds and plants, graffiti to be removed from building exterior;
6. Non-working pipe signage to be removed; truss roof sign must be placed on the front of the building at an approximate height of six (6) feet;
7. Building signage to be reviewed and approved by Zoning Official; if using a canopy, the lettering not to exceed 8 inches along awning edge;
8. Revised plans to be submitted to Planning Department prior to memorialization of Resolution;
9. Kitchen Plan to be submitted to the Health Department;
10. Applicant shall submit a permit package to the Building Department to secure all necessary building permits;
11. The Applicant shall execute and submit to the West Orange Zoning Official, an Affidavit of Compliance certifying that all conditions of approval agreed to by the Applicant and set forth herein have been fulfilled and satisfied;
12. All findings of fact and conclusions set forth herein are deemed conditions that are binding on the Applicant.

Mr. Eben said some of the Technical Application were in the Downtown Alliance area; the Applications should be reviewed by the Alliance. He said that based on the zoning map, maybe Mr. Grygiel could determine the streets that were part of the Downtown Alliance. Mr. Eben said businesses in the Downtown Alliance area should be advised of the matching funds for signage. Mr. Eben voiced concern about the non-working standpipe signage; Mr. Weston said the standpipe issue was discussed at the Tech Review meeting and was listed in the conditions of approval. Council President McCartney said that the Downtown Alliance Director had not attended the Tech Review meeting. Mr. Grygiel said the Director was included in the meeting distribution list and always invited to come to Tech Review meetings. Council President McCartney indicated that the Downtown Alliance Director or a member of the Alliance should attend all Tech Review meetings.

The Board voted on the Resolution as follows:

Motion: Vice Chairman Weston

Second: Dr. Bagoff

Bagoff:	Yes	Carlucci:	Absent	Eben:	Yes
Ghebremicael:	Yes	Gurland:	Yes	Klein:	Yes
Lester:	Absent	McCartney:	Yes	Weston:	Yes
Wilkes:	Absent	Heller:	Yes		

APPLICATION(S)

PB-13-12/Communication Infrastructure Corporation

Block: 84.01; Lot: 22; Zone: B-2

10 Marcella Avenue

Conditional Use Application with waivers to install antennas on to existing tower.

(Carried from the July 9, 2013 Planning Board regular meeting.)

EXHIBITS:

- A-1** - Site Plan prepared by Powder River Development Services, LLC date revised 3/20/13 (5 pages; Title Sheet-No. T-1; Site Plan-No. Z-1; Elevation-No. Z-2; Microwave Details-No. Z-3; Site Details-No. Z-4); (Revised July 25, 2013);
- A-2** - Photo Simulation #1, Site Content Aerial (two sheets) dated 1/14/2013 prepared by Seidel Planning & Design. (Revised July 24, 2013)
- A-3** - Structural Analysis Review Letter prepared by Peter Jernigan, P.E., Tower Engineering Professionals, dated July 9, 2013.

DISCUSSION:

James K. Pryor, Esq., attorney for Applicant continued the presentation of the Application for the installation of two microwave antennas and ancillary equipment on to an existing tower. Mr. Pryor said he had made resubmissions of the site plans and photo simulations as requested; he described the revised photo simulations and said he hoped the revisions satisfied the Board. He advised the Board that Mr. Haldane was present and available to testify to the structural integrity of the tower.

Andrew Haldane, PE, Tower Engineering Professionals, Inc., was sworn in, stated his credentials, and was accepted to be an expert witness in engineering. Mr. Haldane said he had climbed the structure on this date (8/7/2013). The purpose of the climb was for routine maintenance inspection of the tower. He said he had climbed in 2009 for the first time; then twice in 2012, one for routine maintenance inspection and again after Hurricane Sandy; then again this date which exceeded the required inspections. He said the tower was in very good shape for a structure erected in 1976. He indicated he had reviewed the American Tower Corporation Structural Analysis Report dated March 14, 2013, and agreed with its findings.

Referring to Mr. Seidel's photo simulations, he inquired if photo simulation 4, ("Per Current Structural (3/14/13)" was an indication the structure was maxed out. Mr. Haldane said the photo indicated all current, approved and proposed antennas.

Referring to the ATC Structural Analysis Report, Mr. Weston inquired at what percentage would the tower be maxed out. Mr. Haldane said that 105% was the maximum allowed by code.

Mr. Gurland asked Mr. Haldane to confirm that the photo simulations correctly represented all discs that could be on the structure. Mr. Haldane said the photo simulations correctly represented all approved and proposed discs.

Mr. Weston requested Mr. Haldane submit a written report of his most recent inspection.

The Board had no further questions for Mr. Haldane.

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

The Board deliberated on the Application. Mr. Ghebremicael opined he was satisfied with the presentation. Chairman Heller said that taking in to consideration the prior approvals and the proposed antennas, the impact was minimal. Vice Chairman Weston opined the Applicant had done a thorough job presenting the Application. Dr. Bagoff opined the Applicant had set the standard for presenting this type of Application; he suggested that Mr. Grygiel and Mr. Russo work on a checklist for future cell tower applications; Mr. Grygiel said he would take it under advisement to review the Ordinance.

Mr. Dwyer and the Board discussed the conditions of the draft Resolution; Mr. Dwyer said he had added to the Resolution the testimony of Mr. Haldane, and that Mr. Haldane would submit a written summary of his latest inspection.

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. Applicant to provide a written report setting forth his findings from the inspection made on August 7, 2013.

The Board voted on the Application as follows:

Motion: Chairman Heller

Second: Dr. Bagoff

Bagoff:	Yes	Carlucci:	Absent	Eben:	Yes
Ghebremicael:	Yes	Gurland:	Yes	Klein:	Yes
Lester:	Absent	McCartney:	Yes	Weston:	Yes
Wilkes:	Absent	Heller:	Yes		

The Board voted on the Resolution as follows:

Motion: Chairman Heller

Second: Council President McCartney

Bagoff:	Yes	Carlucci:	Absent	Eben:	Yes
Ghebremicael:	Yes	Gurland:	Yes	Klein:	Yes
Lester:	Absent	McCartney:	Yes	Weston:	Yes
Wilkes:	Absent	Heller:	Yes		

PB-13-16/Valley Road Residential, LLC

Block: 9; Lots: 1, 7, 44, 50 & 56; Zone: MUBR
22-26 Central Avenue and 9-16 Mitchell Street
Preliminary Site Plan with "C" Variance

EXHIBITS

- A-1:** Colorized Site Rendering dated July 11, 2013 prepared by TRC Engineers, Inc.;
- A-2:** Sheet SP 01.00 Site Plan (NJ DEP Stream Encroachment Plan) dated October 18, 2007; signed by Barry J. Sutherland, PE, TRC Engineers, Inc., February 12, 2008;
- A-3:** Aerial photo – Proposed Site Bird’s Eye, dated August 7, 2013, prepared by Kitchen & Associates;
- A-4:** Colorized Conceptual Sketch Elevations dated August 7, 2013, prepared by Kitchen & Associates.

DISCUSSION:

Mr. Grygiel advised the Board that his company, Phillips Priess Grygiel, LLC, had performed work for the Alpert Group; there may be an issue of a conflict. Mr. Dwyer said it was not an apparent conflict; Mr. Sullivan said he had no issue with a conflict.

Williams C. Sullivan, Jr., Esq., Scarinci Hollenbeck, gave a brief recapitulation of the Harvard Press Redevelopment Plan approved in 2008. He said the areas of Central

Avenue and Mitchell Street along the City of Orange border had been determined to be in need of redevelopment. The property owner was Harvard Properties, LLC. The buildings were in poor condition; the site was undergoing remediation. The East Branch of the Rahway River divided the West Orange lots. The adopted 2008 plan had included the area train station in Orange and the culvert be revitalized and create new green space. The City of Orange had granted redevelopment approval and their Planning Board had approved the project. The property located on the West Orange side was previously approved for one hundred units "for sale" only; last month the Board made the recommendation to the Township Council the West Orange plan be amended to change the units to residential "rental" units. The project would provide a big boost to the area. It was the Board's job to evaluate the plan; he advised the board the plan did need a variance for side yard setback. The project's first floor could be on the property line but the additional floors would have to be set back. Other than the side yard setback, the plan fully complies with the redevelopment plan.

Barry J. Sutherland, PE, TRC Engineers, Inc., was sworn in, stated his credentials, and was accepted by the Board to be an expert in engineering. Referring to Exhibit A-1, Mr. Sutherland said it was a color rendering of the site plan showing the proposed improvements; Exhibit A-2 showed both Orange and West Orange for an overall view of the project. Referring to Exhibit A-1, Mr. Sutherland described the existing conditions, the project's West Orange property was 1.55 acres; it was zoned for Harvard Press Redevelopment; the property currently included multi-storied buildings that straddled West Orange and Orange, there was an auto body business and an asphalt parking lot; the East Branch of the Rahway River was previously piped underground and ran through the site near the easterly boundary. The proposed plan included "day lighting" the river. Mr. Sutherland explained the environmental status of the property; the site had contaminated historical fill, including lead, and in the northwest portion of the property there had been a mercury spill; approximately 3,500 cubic yards of fill would be removed. The State had allocated over \$600,000.00 to clean up the site. The proposed West Orange plan included the demolition of the existing structure and construction of a new 30,000 square foot structure to include one-hundred rental units identified as "Building C", the Orange plan was identified as "Building A" and "Building B", to include 128 units. "Building C" would be five stories to include thirty-three (33) one-bedroom units, fifty-nine (59) two-bedroom units and eight (8) three-bedroom units. There would be one parking space per unit; forty (1) surface lot spaces in a new 15,000 square feet parking lot, and sixty (60) interior garage spaces underneath the building. An additional thirty (30) spaces would be reserved in the Deco building if necessary; which could also be designated for commuter parking. Except for a portion of the upper floors on the western side of the building, the project would conform to zoning requirements. The drainage sheet flowed east-west and down to Orange; there was presently asphalt 8.5 CFS; C-330 was the building plan; the drainage was submitted and approved by the DEP; the entire roof was to be tied to a HTP pipe system (underground detention facility). The plan was all in accordance with the NJ DEP requirements.

Referring to the Omland Memo dated August 1, 2013; Mr. Sutherland said the Applicant would comply with comments #17, #20, #21, #23, #24, #34 and #35. Referring to comment #17, Mr. Sutherland said compliance would only be possible if it did not affect the Applicant's existing NJ DEP permits. Mr. Russo said it was not a requirement but rather a suggestion.

Mr. Sutherland discussed the utility plan; he said that the NJ DEP. had approved it. He described the existing conditions; he indicated the Applicant had not contacted the utility company; but had confirmed that utilities were available to the building. Mr. Sutherland said the fire suppression system would meet code requirements. Mr. Russo said there were no hydrants in the vicinity; one was needed. Mr. Sutherland said there were two water mains on Central Avenue.

Mr. Sutherland discussed the lighting plan; it would include decorative lighting on Central Avenue, Mitchell Street and the parking lot; there would also be path lighting along the parking lot. He noted the Redevelopment Plan did not have specific requirements; there would be foot-candles for the entire lot. Mr. Sullivan stated that a foot-candle analysis could be included as a condition of approval.

Mr. Sutherland discussed the landscaping plan; there would be shade trees along Central Avenue and Mitchell Street; there was not too much room, but the plantings would be where there was enough green space; there would be extensive shrubs (over 1,400), and grass along the West Orange side of the channel. All plantings would be water resistant (tolerable); there was a six-foot low flow channel, the idea was to make the area a natural setting; the plan did not include railings. With regard to the parking area, there was not enough room for sidewalks around the perimeter.

In response to the Omland memo comment #5, Mr. Sutherland said the mean elevations were 174.75; regarding comments # 6 and #7, Mr. Sullivan said he had spoken to Mr. Glen McCarthy who advised there was an easement. Mr. Sullivan said the Applicant would be responsible; Mr. Russo asked how the City of Orange had addressed the issue; Mr. Sutherland said Orange did not raise the issue. Regarding comments #9, #10 and #11, Mr. Sutherland said there would be revisions to the parking plan but there really was no room for a pedestrian sidewalk in the parking lot. The entrance to the building would be on Central Avenue. Mr. Sutherland said the lack of a sidewalk was common in shopping centers (parking lots); it would not be an issue with the proposal. Regarding comment #12 - treatment of culvert headwalls, Mr. Sutherland said the NJ DEP did not ask for information; the Applicant would comply with the Omland recommendation on Central Avenue.

In response to Omland memo comments #13 and #14, Mr. Sutherland said that Central Avenue was a wide street. The plan was to make a traffic common area for someone to get picked-up or dropped-off; creating easy egress and eastbound entry in to traffic on Central Avenue. In response to question from Mr. Russo, Mr. Sutherland indicated that Central Avenue was a county road and the plan would need county approval.

In response to Omland memo comment #15, the retaining walls would be of textured concrete.

In response to comment #34, Mr. Sutherland said that the Applicant had considered pedestrian safety along the stream; it was up to the Board to determine if a railing was needed for the three-hundred feet area barrier. The plan was for public access along the stream; benches and trash containers would be installed along the stream walkway.

Mr. Sutherland said the Applicant agreed to comply with comments #36 and #37.

Referring to Mr. Grygiel's Planner's Report dated July 26, 2013 regarding parking, Mr. Sullivan said the plan was a little vague but he believed the Applicant honored the plan by creating additional parking spaces in the Deco garage.

Mr. Ghebremicael said he was concerned the Applicant would compromise the safety of the tenants by not installing a parking lot walkway; he inquired if a walkway could be installed and still meet the parking requirements. Mr. Sutherland said the plan could be looked at; a walkway might be installed if it did not interfere with the requirements. He said that there would be signage there was additional parking in the garage.

Council President McCartney asked about the status of the remediation; with regard to the additionally thirty parking spaces in the Deco structure, how would people know there was additional parking. She said she was also concerned about pedestrian safety; would it be possible to create a paved walkway. She also asked about property maintenance on site with the change to rental units

Dr. Bagoff said regarding the parking spaces; the goal of downtown redevelopment was to have spaces for the people who live in the community to have available parking spaces. The plan was for one-hundred units, with one-hundred parking spaces in West Orange, with an additional thirty spaces in the garage in Orange. He opined that if the goal was to meet additional spaces for the community, then with the proposed plan the goal was not being met because tenants would use the overflow parking. There would be no public parking; people in the community living outside the development must have access to parking spaces. Dr. Bagoff opined that that the Applicant should maintain the waterway area in perpetuity. He said the lighting plan needed to reflect lighting levels; placement of foot-candles, and emergency call boxes; he recommended the West Orange Fire Department review the plan. He asked who would be responsible for the maintenance of the 1,400 shrubs; he stated the retention basin was not a stream, he asked if some sort of safety net could be installed in the case of a child in the area. Regarding the building's roof, had a light roof been considered for heat island effect.

Inquiring about the fence along the new daylighted waterway, Vice Chairman Weston asked if there was a way to provide an edge treatment. Mr. Sutherland said it was a gentle slope. Vice Chairman Weston voiced concern regarding the lack of a sidewalk along the parking area to the street and the front door

Mr. Gurland inquired about the parking lot traffic pattern ingress and egress; Mr. Sutherland said there would be directional signage for one way in and one way out.

Mr. Eben said the zoning ordinance required one tree for every ten parking spaces; he said he was concerned about the flooding along Central Avenue, Mitchell Street and South Jefferson Avenue. He stated the plan should include an emergency phone system. Mr. Sutherland said that opening the culvert would increase the volume, the water would not back up; it would help the area.

Chairman Heller said he had many questions about the landscaping plan and architectural plan; he said the architectural plan did not match what was being presented; Mr. Sullivan said the new architect had been retained within the last year. Referring to the architectural Floor Plan Level 1, sheet A1.1, Chairman Heller said the plan being shown showed some sort of barrier; he opined that trees had a tendency to keep people on path. The plan being presented this night did not reflect the same landscaping; the plan needed to be revised; it should include screening along the two properties and he said he would like to see screening along parking spaces one through ten.

Mr. Grygiel said he had an answer to Mr. Eben's question regarding zoning requirements for the number of trees per parking space; as described on Page 21 of the Redevelopment Plan, the plan was not completely clear with regard to landscape design. Mr. Eben opined that he liked trees but if the Redevelopment Plan superseded zoning ordinance, then so be it; Mr. Grygiel asked if the plan should give up parking for trees.

Mr. Russo inquired if the Applicant's architect was going to be testifying about solid waste. He stated the plan was for a three-hundred foot blank building with no landscaping; he opined there was an opportunity to break up the straight line of the West Orange portion of the plan. He opined there was more opportunity to provide a better esthetic along the stream on the West Orange side, the Orange side of the stream was more swooping. He was concerned about root issues of the tree plantings, and pedestrian safety along the top of the stream. He said he was not comfortable that the proposed landscaping would provide a long-term deterrent; maybe there could be some sort of intermittent barrier. He said that clearly, the Board had seen two different landscape plans. Mr. Klein opined that maybe a seat wall could be installed. Mr. Russo inquired what would be an acceptable level of lighting along a three-hundred feet area; the Board could give the Applicant guidance. Council President McCartney opined that for the sake of safety, the area should be very well lit.

Harvey Grossman, Esq., Public Advocate inquired if a security plan had been done for the project. He was concerned that anyone could have access to the parking area. Chairman Heller advised that the question was part of Applicant's testimony.

Carolyn Verderamo, 10 Tompkins Street, West Orange, inquired if the Applicant was aware of the current parking conditions in the area. She said there were very few houses in the area that had on-site parking and that there was no on-street parking. She was concerned that with thirty-three proposed one-bedroom units, there would be a need for additional parking spaces. She said she was concerned about the graffiti that was currently on the buildings all the way up to the river; she said that if the setback was nine feet, what would deter people from continuing to spray paint the buildings. Lastly, she voiced concern about the flooding in the area; what could be done to stop the flooding.

Chairman Heller announced a brief recess at 9:43 P.M.; he re-convened the meeting at 9:53 P.M.

Stephen Schoch, RA, AIA, Kitchen & Associates, was sworn in, stated his credentials, confirmed he held a valid Certificate of Authorization in the State of New Jersey, and was accepted by the Board to be an expert in architecture. Referring to Exhibit A-3, Mr. Schoch said the aerial photo gave a complete overall view of the project; two new compatible buildings. The proposed plan was similar in style to the Orange portion of the plan. Exhibit A-4 reflected the design and esthetics of the original plan, a style of industrial esthetic that had been successful in New Jersey. There would be a mix of textures including brick veneer and concrete block. Referring to Architectural Plan Sheet A1.1 – Mr. Schoch said there was very little ground floor enclosed space. The main entrance was on Central Avenue, access for residents would be by key fob. The ground floor space included a central trash room; trash shoots would be on each floor. Garbage collection would be by private hauler. All building operations would go through the tail end of Central Avenue; there would not be an exterior dumpster enclosure. The ground

floor would have a common lobby area, management offices and utility area. The building would be fully sprinkled; if necessary, a hydrant would be added at curbside. Referring to Sheet A1.2 – Floor Plan Second Level, Mr. Schoch said it was a simple plan of residential units with the elevator corridor located in the middle. The units would be a mix of one, two and three bedroom apartments. The roof would be light colored, sustainability had been considered in the plan, reflected in the Energy Star Level III. With regard to the parking, Mr. Schoch said under the building was wall-to-wall bay; he opined that a parking lot walkway was not appropriate, but said he would agree to more robust landscaping.

Mr. Ghebremicael asked if there would be laundry facilities for the tenants; Mr. Schoch said each apartment would have their own washer/dryer units.

Council President McCartney said she appreciated the light colored roof consideration; she inquired if the garbage collection would accommodate recycling. Mr. Schoch said there were several options being considered for recycling. In response to Council President McCartney's question regarding parking, Mr. Schoch said the redevelopment standards for parking when the development is closer to public transportation is to have less cars; he said it was "right-size" parking, defensible design.

Dr. Bagoff asked about the security system. Mr. Schoch said there would be key control; camera monitors in the pathway; the underside of the parking area would be well lit and modern.

Vice Chairman Weston said the Board encouraged LEED; would it be possible to provide a list of standards sustainable features; he said the elevations did not describe the building materials, and what was the material for the parking along the base. Mr. Schoch said the materials would be approximately fifty-percent brick; there would be metal panels of various colors; at ground level, there would be a brownstone type base. The building would be a mixture of colors and textures. The parking base was a masonry base with open window with industrial open wire fabric. Mr. Weston asked about the parking lighting; Mr. Schoch said the plan included sufficient lighting

Mr. Gurland stated that the building materials would be brick, metal panels, and cement panels; the window frames will be metal. On north elevation, the sidewalls would not have windows; there would be rooms without windows. The plan did not include an active gate for the building; the management office would issue have tags or hangers for residents; it would be a private parking lot. He opined that he did not want to vote nay on the Application; but there were many unanswered questions.

Mr. Eben asked about the handicap handicapped parking spaces in the lot; how would a handicapped person access the sidewalk. Mr. Schoch said there would be a slant to access the sidewalk. Mr. Eben asked how many bathrooms would be in each unit. Mr. Schoch said there would be one bathroom in the one and two bedroom units; one and one-half baths in the three bedroom units. Mr. Eben asked if there was any consideration to add a second elevator. Mr. Schoch said the elevator would be located in the center of the structure; the length of travel was not an issue.

Mr. Klein asked how many bike racks were included in the plan. Mr. Schoch said there were three areas for bike racks that could easily accommodate at least 50 bikes. Mr. Klein asked Mr. Schoch to detail the trash configuration; Mr. Schoch described the details.

Council President McCartney asked about the Applicant's COAH obligation; Mr. Schoch said the unit sizes conformed to code.

Dr. Bagoff inquired if the Applicant had considered Tesla sites for electric cars.

Mr. Grossman asked if the plan could be revised to show the placement of a security plan; Mr. Schoch said a narrative could be submitted. Mr. Grossman asked if the Applicant had consulted with a security expert; had a security study been done of the surrounding area; Mr. Schoch answered in the negative.

Mr. Grossman inquired how the trash would be placed on to Central Avenue; Mr. Schoch explained how the pick-up would occur; it would be picked up at least twice a week or more if necessary. Trash would not be left overnight on Central Avenue.

Joseph Alpert, Principal, Valley Road Residential, LLC, was sworn in. Mr. Alpert advised the Board his company took over the site in 2008 but due to the subsequent downturn in the economy, the project was put on hold. The company was currently attempting to take advantage of Hurricane Sandy monies the NJ HMFA to fund the project. The deadline for the application was the end of August.

Sean F. Moronski, PP, AICP, Burgis Associates, Inc. was sworn in, stated his credentials and accepted to be an expert in planning. Mr. Moronski advised the Board there was one deviation from the plan that was the side yard setback. Referring to Sheet A1.1, he said the ordinance required that upper floors be set back a minimum of four feet from the property line. The plan indicated that along the westerly side of the building for approximately sixty-five feet from Mitchell Street, the upper floors would be at the property line. He opined there was more than suffice space and it complimented the redevelopment on the Orange side of the project. He opined there was no negative criteria; the project would provide new housing, clean up the area and provide transit oriented development.

Mr. Klein asked if the building was set back four feet, would it be a negative impact; Mr. Moronski said it would negatively impact; it would shift the building. Mr. Klein asked if in his opinion as a planner, did Mr. Moronski believe traffic routes would be affected; Mr. Moronski answered in the negative.

Brian Dempsey, PE, TRC Engineers, Inc., was sworn in, stated his credentials, and accepted by the Board to be an expert in traffic engineering. Referring to his Traffic Impact Study dated July 26, 2013, he said the study concluded that the project would have no impact on area traffic; it would not lower the Level of Service of the adjoining streets or intersections. Mr. Russo requested that the traffic comments from the Omland Review letter dated August 1, 2013 be addressed; Mr. Dempsey said he would address the memo.

There were no questions from the Board, the Public Advocate or the Public.

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. Applicant to provide an updated lighting plan subject to the review and approval of the Board Engineer.
8. Applicant will comply with the items set forth in the Omland review letter dated August 1, 2013 except Item #11 and Item #17 will be complied with if doing so will not interfere with Applicant's existing DEP permit.
9. Applicant will provide emergency call box in the parking lot.
10. Applicant will provide updated landscaping plan with smaller trees, large shrubs along the walkway to provide a safety buffer from the river channel subject to Board review and approval.
11. Applicant will provide benches and trash receptacles along the river walkway.
12. Applicant to provide a sustainable material list and an exterior material list subject to the review and approval of the Board. Applicant shall consider having the roof color a lighter shade to avoid heat island effect.

13. Applicant is responsible for the perpetual maintenance obligations associated with the "daylighted" portion of the East Branch of the Rahway River on site, as well as all other property maintenance issues associated with the site improvements.
14. Applicant to provide a listing or summary of energy efficiencies designed into the building and site improvements.
15. The plans are to be reviewed and approved by the West Orange Fire Department as to the placement of hydrants and emergency access.
16. Applicant must obtain Final Site Plan Approval prior to the commencement of any site improvements shown on the preliminary site plans.

The Board voted on the Application as follows:

Motion: Chairman Heller

Second: Dr. Bagoff

Bagoff:	Yes	Carlucci:	Absent	Eben:	Yes
Ghebremicael:	Yes	Gurland:	Abstain	Klein:	Yes
Lester:	Absent	McCartney:	Yes	Weston:	Yes
Wilkes:	Absent	Heller:	Yes		

MEETING ADJOURNED at approximately 11:08 P.M.

Minutes adopted September 10, 2013



Robin Miller, Planning Board Secretary
Township of West Orange

****THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY OCTOBER 2, 2013 AT 7:30 P.M. IN COUNCIL CHAMBERS****