

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
MEETING MINUTES  
August 6, 2014**

The Township of West Orange Planning Board held a regular meeting on August 6, 2014 at 7:30 P.M. in Council Chambers, 66 Main Street, West Orange, New Jersey.

Chairman Heller called the meeting to order at approximately 7:36 P.M. It was announced that notification of this meeting was given to the Township Clerk, and posted on the Township Bulletin Board on November 21, 2013 in accordance with the requirements of the "Open Public Meetings Act".

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

**ABSENT:** Joanne Carlucci, Lee Klein, William Wilkes II

**ALSO PRESENT:** Paul Grygiel, AICP, PP, Acting Township Planner, Frank Russo, PE, Omland Engineering, 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, Council President Susan McCartney, Vice Chairman Ron Weston, William Wilkes II

**ANNOUNCEMENTS**

The next Planning Board regular meeting will be held on September 3, 2014 in Council Chambers at 7:30 P.M.

Per Applicant request, PB-14-06/AutoZone Northeast, Inc. will be carried to the September 3, 2014 regular meeting.

**SWEARING IN**

Paul Grygiel, AICP, PP, Acting Township Planner  
Frank Russo, PE, PP, Consulting Engineer

**RESOLUTIONS**

**PB-14-12T/James Pond d/b/a Jersey Mike’s Subs**

Block: 152.24; Lots: 1445 and 1445.05; Zone: P-C  
235 Prospect Avenue

Technical Review Application to lease retail space for a restaurant.

**DISCUSSION**

Vice Chairman Weston advised the Board the Application was reviewed and approved by the Technical Review Committee on July 10, 2014 with the following conditions:

1. Before a Temporary or Final Certification of Occupancy/Approval can be issued, Applicant to apply for sign permits; and will submit signage elevation details prepared by a New Jersey licensed architect to the Zoning Official for approval;
2. Before a Temporary or Final Certification of Occupancy/Approval can be issued, Applicant to provide the Zoning Official with site plan diagram for dumpster location;
3. All dumpsters on premises to conform to Township Ordinance; to include properly secured lids;
4. Before a Temporary or Final Certification of Occupancy/Approval can be issued, Applicant to provide to the Zoning Official the information for the site maintenance contact person including name, telephone and email address;
5. Before a Temporary or Final Certification of Occupancy/Approval can be issued, the Building Department shall confirm all building codes and safety codes are compliant;
6. Before a Temporary or Final Certification of Occupancy/Approval can be issued, 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;
7. All findings of fact and conclusions of law set forth herein are deemed conditions that are binding on the Applicant.

**The Board voted on the Resolution as follows:**

**Motion:** Vice Chairman Weston

**Second:** Council President McCartney

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

**APPLICATIONS**

**PB-14-10/RKS Properties, LLC**

Block: 105; Lot: 2; Zone: B-2

456 Prospect Avenue

Preliminary and Final Site Plan with “c” Variances.

**EXHIBITS**

- A-1:** Boundary and Topographic Survey, prepared by Dynamic Survey, LLC dated April 25, 2014;
- A-2:** Colorized Site Plan Rendering, prepared by Dynamic Engineering, LLC dated July 30, 2014;
- A-3:** Colorized Steep Slopes Calculations – Proposed, prepared by Dynamic Engineering, LLC, dated

- June 17, 2014;
- A-4: Colorized Proposed Front and Rear Elevations, prepared by Hoffman Architects, dated July 18, 2014;
  - A-5: Colorized Proposed Left and Right Side Elevations, prepared by Hoffman Architects, dated July 18, 2014;
  - A-6: Site Photographs of Existing Conditions (Three Sheets), prepared by John McDonough, LA, PP, AICP, undated;
  - A-7: Email correspondence from David Antonio, PP, AICP, County of Essex Department of Public Works, dated August 5, 2014.

## **DISCUSSION**

Joseph A. Vena, Esq., Mandelbaum, Salsburg, Lazris & Discenza, PC, attorney for Applicant, told the Board the Application was for a new medical office building to replace the existing building. The existing building was approximately forty years old; it had been the original sales office for the Eagle Ridge condominium development.

Vice Chairman Weston advised the Board that during the Technical Review meeting, it was noted that Mr. Gurland was a resident of Eagle Ridge. Mr. Gurland stated he did not reside within 200 feet of the Applicant's property. Mr. Dwyer determined that it was permissible for Mr. Gurland to participate in the hearing; the Applicant had no issue with Mr. Gurland hearing the Application.

Dr. Richard Bezozo, was sworn in; he stated he was a licensed medical doctor; the owner of RKS Properties, LLC, and had owned the property for about fifteen years. He said the existing building was originally used as the sales office for Eagle Ridge condominium development; it was currently a medical office operated by Care Station Medical Group. Dr. Bezozo gave a brief description of the existing medical practice including business hours and variety of medical care offered to patients. He said there would be no changes to the existing services performed; the plan was to construct a contemporary medical office building to replace an outdated facility; among the current building issues there was a lack of space for medical equipment associated with new technology. Dr. Bezozo said the proposal for the new building included a second floor to accommodate the office operations of the existing business and provide new office space for an additional professional tenant.

The Board and the Public had no questions for Dr. Bezozo.

Joseph C. Sparone, P.E., Principal, Dynamic Engineering, LLC, was sworn in, and stated his credentials; he was accepted by the Board to be an expert in engineering. Referring to Exhibit A-1, Mr. Sparone described the existing conditions; the site was 40,108 square feet with frontage on Prospect Avenue; surrounding land uses included a shopping center to the west across Prospect Avenue, the Eagle Ridge condominiums to the east and north, and various commercial uses to the south. The existing medical office building was a one-story 2,874 square feet structure; there were 38 delineated parking spaces haphazardly scattered throughout the site; to the rear of the building was a dead-end parking situation. Access to the site was by a bifurcated right-in, right-out situation. The existing lot width was 250-feet; front yard setback was 39-feet; side yard was 84.4-feet to the south property line for a combined side yard setback of 169.9-feet with the north property line; the rear yard setback was 58-feet. The existing front yard parking was 0-ft.; side yard parking to the south was 10-feet, and rear yard parking to the north was 9.4-feet. The existing freestanding sign was located on the County right-of-way, it was approximately 18 square feet wide and 7.2 square feet high; there was one building mounted sign that was approximately 25 square feet. Referring to Exhibit A-2, Mr. Sparone described the proposed

conditions, which included a super-imposed landscaping plan that had been reviewed by Mr. Linson. The plan included a two-story building with a 4,438 square feet footprint, 49 parking spaces including two ADA spaces, which exceeded the ordinance requirement for a medical office building. The parking had been relocated out of the right-of-way; it would be more centrally located; and had been reconfigured as a circular parking situation superior to the existing layout. The new front yard setback would be 43-feet; the north side yard setback would be 27.5-feet with 195-feet combined; the rear yard setback would be 30-feet; the middle parking setback would be 30-feet; east side yard parking setback would be 10.2-feet; the rear parking setback would be 10-feet. The access to the site would be a combined right-in, right-out configuration located to the south of the property. There would be pedestrian access to the site; a sidewalk would be installed to the frontage of the property; it would be extended to the existing bus shelter to the north of the property. The existing island in the rear parking area would be removed to provide adequate parking in closer proximity to the building. The landscaping would include five new shade trees, fourteen evergreen trees, and sixty-seven new shrubs. Mr. Sparone said the plan presented to the Board reflected changes resulting from the comments of the Omland Engineering memorandum dated July 17, 2014. Referring to Exhibit A-3, Mr. Sparone said the review of the site indicated the steep slopes were not natural, they were man-made, probably a result of the original development of the property; however, they did meet the technical definition of steep slope. A variance relief of .1% was required for impervious coverage; 60% was permitted, 60.1% was proposed. He opined the proposed impervious coverage would not negatively impact storm water runoff. The setback of the proposed monument sign along the front of the property had been re-located 2-feet closer to the right-of-way to allow for enhanced visibility; Mr. Vena said that as discussed at the Technical Review meeting, the re-location of the sign caused the Application be amended to reflect variance relief. Mr. Sparone said the Omland memo Item #8 requested additional ownership information for the 9 ft. wide strip of land along Prospect Avenue; he said a deed for the property could not be located; Mr. Vena offered into evidence an email from the County indicating its inability to locate any reservations, easements or acquisition of right-of-way, (Exhibit A-7). Mr. Russo said the plans showed a 9 ft. strip along the front. Was the strip part of the Applicant's property; if it was, it would negate the need for some of the requested variances. Mr. Sparone said his surveyor had investigated the issue but was unable to determine ownership of the 9 ft. strip. Mr. Vena stated the Applicant was not looking to include any property beyond the existing survey; the available research concluded the 9 ft. strip was not associated with the property. Mr. Sparone gave a brief recapitulation of his firm's response to the Omland memo, (Items #9 through #16), which included the required Essex County Details; updated architectural plans for the roof mounted HVAC equipment; analysis of the storm water conveyance network; additional landscaping outside the required residential buffer area; Knox Box installation; necessary outside agency approvals; and plan revisions that noted the final locations of fire zones, sprinkler shut off, and fire department signage and lighting to be coordinated with the Fire Sub Code Official. Mr. Sparone said the current use did not require a designated loading area; the landscaping would improve the existing condition.

Mr. Gurland asked if the Applicant had received any comments from the Eagle Ridge residents residing within 200 ft. Mr. Vena said he had not received any inquires. Mr. Gurland asked if notices went out; Mr. Vena confirmed notices had been sent. Mr. Gurland asked if a variance was being requested for the side yard and rear yard setbacks near the property line; Mr. Sparone said no; the setbacks complied with the ordinance. Mr. Gurland asked if any lighting was included in the site plan. Referring to Exhibit A-2, Mr. Sparone indicated the location of the fixtures; he described the lighting plan as indicated on Sheet 8, (Preliminary and Final Site Plan submission dated June 17, 2014, revised 7/21/14), which included four 18 ft. high 300-watt LED free-standing fixtures; he said the area illumination would be similar to the current conditions. Mr. Gurland asked what would be the height of the trees; Mr. Sparone said that at

the time of planting, the trees would be approximately 7-ft. to 8-ft. nursery stock. Mr. Gurland asked if the Eagle Ridge residents would be looking over the tops of the trees to the roof of the building; Mr. Sparone said yes, the view would be similar to the current conditions. Mr. Gurland stated that the view would not be similar because the building was currently one-story; he asked if the Applicant had considered locating the building on the south side and if there was any way it could be located on the south side; he stated that would eliminate the need to destroy the three large trees. Mr. Sparone said locating the building on the south side had been examined; but from an engineering perspective, the south side parking layout, site access, drainage, and steep slope considerations indicated the proposed plan provided the optimal layout.

Mr. Weston said that at Technical Review, the point was made that the existing medical building would still be operating during the initial construction process. He said that if the new building moved to the south side of the property there would be no access to the current facility; the driveway would be blocked; essentially, it would be out of business during construction. Mr. Sparone said a consideration of the location of the building was to allow the existing building to operate during construction. Operations would be moved to the new building once it was completed and then the remainder of the project would be completed.

Mr. Gurland opined that moving the building to the south would fit within the site and would not conflict with the existing building; Mr. Sparone said the issue would be the new building would be in the middle of the site and impede access to the property; Mr. Gurland suggested the access could be moved. Mr. Vena stated the location of the new building complied with the ordinances of the Township; Mr. Gurland opined there was another option. Mr. Vena said that denial of the Application due to the location of the building would not be sustainable.

Mr. Weston said the soil erosion plan should indicate there be proper tree protection around the (existing) trees during construction; Mr. Sparone said the tree protection would be provided as per SCD (Soil Conservation District) requirements; he said there would be tree protection fencing. Mr. Weston inquired if the 24-ft. wide entrance apron was sufficient; would a wider egress be a good idea. Mr. Sparone said 24-ft. was typical for a two-way access drive; the driveway met County requirements.

Chairman Heller stated the proposed parking exceeded the requirements but there would be an increase in impervious coverage; he opined the two western parking spots on the island appeared to be located more in a drive isle than a parking isle; would it be better to close those spots and increase the landscaping. Mr. Sparone said he had discussed the parking with the business owner; it was decided the spaces would be necessary for the future development of the expanding medical operation and second story professional office space. Chairman Heller voiced concern that the spaces might affect access for an emergency ambulance and overall circulation. Mr. Sparone said a traffic engineer would be testifying and would be able to provide details regarding site circulation and safety.

Dr. Bagoff asked for details regarding what the area of the 9-ft. strip along the front of the property would look like when the project was completed and who would maintain the area; were there any proposed ambulance parking spaces; what was the number of current employees; and had an emergency stand-by generator been discussed. Mr. Sparone said there would be sidewalk and grass on the 9-ft. strip and the owner would maintain the area; he was not aware of any proposed spaces for ambulance vehicles; and a generator was not part of the proposal. Mr. Vena advised that Dr. Bezozo could testify regarding the number of employees. Dr. Bezozo said there would be an emergency generator; Dr. Bagoff said it needed to be included in the site plan. Dr. Bezozo said there were currently four to six staff members on site at any one time.

Councilwoman McCartney voiced concern about the south parking configuration; she asked if there was any sort of walkway or pathway. She was also concerned about the two parking spaces on the western side of the island; could they be designated for employees only. In the area of the far northeast corner, would it be possible to wrap the evergreens to create a greater buffer. Mr. Sparone said the building would be accessed similar to a shopping center parking lot; adding an additional walkway would increase the impervious coverage. Mr. Vena said the two spaces could be for employees only. Mr. Sparone said that more trees could be added.

Mr. Russo stated that currently the Application was for a medical office on the first floor and professional offices on the second floor; he inquired would it be feasible that if there were medical offices on the second floor, it would trigger a variance relief for parking. Mr. Russo inquired if it would be better to bank the parking spaces for the current Application should the need arise. Mr. Vena said the Applicant would come back to the Board should there be medical offices on the second floor; he opined the issue was de minimus.

The Public has no questions for Mr. Sparone.

Joseph J. Staigar, P.E., P.P., Staigar & Peregoy, LLC, was sworn in, stated his credentials, and was accepted by the Board to be an expert in engineering. Mr. Staigar said he had worked on the project with Mr. Sparone. Because the site was located on a County road, Mr. Staigar had met with the County Engineer; the County liked the idea of the two driveways being combined at one location the furthest south and away from the intersection to the north. The new configuration would provide better safety; it would be a vast improvement from the current configuration. The plan would provide better site distance; the driveway entrance landscaping would have low shrubs; there would be clear visibility throughout the entire site; the trees in the center would be limbed deciduous species from ground level to 7-ft. high. He saw no issue with the parking lot configuration and ingress/egress; it was a very simple circular flow. He opined the new plan was a greater improvement over the current conditions; creating a simple free-flow; right-in, right-out; there would be good site visibility at all corners. Traffic count would be an increase of twenty-two (22) additional trips (eleven in; eleven out). The level of service would be "A" in morning, "B" in the afternoon.

Mr. Lester asked if there were any more opportunities to create additional handicap parking spaces; Mr. Staigar said additional spaces could be designated; but that would be related to future demand. The proposed plan currently met the requirements.

Referring the Exhibit A-2, Council President McCartney said she was still concerned about pedestrians walking from the south side parking island to the building; could a walkway be installed in the area between the trees. Mr. Staigar said slate or walking stones could be installed.

The Public had no questions for Mr. Staigar.

Diana L. Hoffman, AIA, Hoffman Architects, was sworn in, stated her credentials, and was accepted by the Board to be an expert in architecture. Referring to Exhibit A-4, Ms. Hoffman described the exterior rear and front elevations; she described the layout of the interior of the Care Station facility. Due to the number of examination rooms on the first floor, there was a reduction in the number of first floor windows. The building materials would create a classic clean look with stucco and stone veneer. The depicted signage conformed to the signage requirements. There would be four five-ton HVAC units; the first floor units would be located in the basement; the equipment for the second floor would be located in closets and the condensers would be located on the roof. The parapet was 4-ft. high; no equipment

would be visible to the adjacent condo owners. The Fire Department connection was located in the front of the driveway; the entire building would be sprinklered; and there would be an exterior sprinkler system for the landscaping.

Mr. Eben asked if there would be any exterior building mounted lighting. Ms. Hoffman said the details had not been discussed, but there would be some type of exterior lighting mounted to the building; the building signage would be backlit. There would be some sort of lighting above the entrance and there would be pathway lighting; it was still in the design stage.

Mr. Gurland asked for details regarding the means of building egress; Ms. Hoffman said the egress would be from the main lobby of the building and the emergency exits.

Mr. Weston said the lower level basement plan indicated it would be used for storage only; Ms. Hoffman confirmed the area was for storage only; it would not be an occupied space.

Dr. Bagoff asked if the roofing material would be light-colored, and did the building have elevators. Ms. Hoffman said she had no objection to using light-colored roofing material to lessen the heat-island effect; the building would have two elevators, the elevator mechanicals would be located in the basement. She stated the building plan was entirely code compliant including the number of elevators and number of restrooms. She stated she had recently completed a project of similar size; she knew what was required to make the building code compliant.

Council President McCartney asked for clarification regarding the 4-ft. roof parapet, was it just on the façade of the building or all around; and did the building have any other green features. Ms. Hoffman said the parapet would be on all four sides of the building. There were four penetrations for rainwater to be directed to the back to roof scuppers and exterior leader drains; the windows were to be energy efficient; she said the plan was to have some of the windows be operable; however, she had not gotten into that level of design detail with Dr. Bezozo.

The Public had no questions for Ms. Hoffman.

John McDonough, PP, was sworn in and accepted by the Board to be an expert in planning. Referring to Exhibit A-6, Mr. McDonough described the existing site conditions and the surrounding area. The existing structure was approximately forty years old and in need of upgrading; the site had an undesirable parking arrangement. The new plan would open up the site; there would be a new enclosed dumpster area; the monument sign would be moved out of the right-of-way; there would be a new side-by-side parking configuration; and new vertical green element. Three trees were to be removed, but there would be over one-hundred new plantings. The proposed plan would improve vehicular traffic flow; create a new pedestrian walkway; and create a new single defined entrance. It was a better alternative for the property; pulling it more in to compliance; the building would comply with height and use; the lot coverage was de minimus. He stated there was no need for a loading area; the other variance relief was for steep-slope conditions that were man-made. He opined the plan did not create any substantial detriment; he opined many of the goals of the Master Plan were advanced by the project.

Mr. Gurland asked for clarification regarding the requirement for rear yard setback; Mr. McDonough said the proposal met the building and parking setback requirements; he said there was a buffer requirement, which was an existing non-conformance to the north. Mr. Gurland asked if the parapets would be high enough to hide mechanicals of a cell tower if it owner decided to have one installed. Mr.

Grygiel said the Applicant would have to apply for a use variance; Mr. McDonough said the Applicant would have to appear before the Zoning Board.

Dr. Bagoff asked if the man-made steep slope areas were to be graded and include new plantings, would that make a better Application; Mr. McDonough opined it would have little effect; the plan included significant new plantings; and the new parking configuration was a better plan. Dr. Bagoff asked if a storm water management system was in place; Mr. McDonough said the storm water system was sub-surface.

Mr. Grygiel asked if the impervious coverage variance relief would increase slightly due to the walkway; Mr. McDonough said it might increase it to .002%, but it would be still de minimus.

The Public had no questions for Mr. McDonough.

Mr. Vena said there was no further testimony; he gave a brief recapitulation of the Application and the requested variance relief.

The Public had no comments regarding the Application.

The Board deliberated on the Application and discussed conditions for approval with Mr. Dwyer and Mr. Vena.

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 comply with the comments in the review letter from Eric Keller, PE, PP dated July 28, 2014 and Paul Grygiel, PP dated July 25, 2014.
8. Applicant shall install a light colored roof on the new building.
9. Applicant to revise the site plan to include two islands in the parking lot and a pathway through for pedestrian access to the building.
10. Applicant to include additional trees in the northeast portion of the Premises of the size, type and location to be approved by the Board Planner.
11. All conditions of approval shall be recited on the plans.
12. Applicant to comply with any affordable housing obligations resulting from this approval.
13. Applicant to provide an Engineer's Estimate of the proposed improvements for purposes of engineering inspection escrow.
14. Per Omland Engineering review letter dated July 17, 2014 #13 the West Orange Fire Department shall review and approve the fire zone striping, sprinkler shut off and fire department connection signage and lighting.
15. Applicant to maintain the 9' strip of land adjacent to Prospect Avenue and the new sidewalk being installed.
16. Applicant to designate two (2) spaces in the western end of the parking island and two(2) spaces in the eastern end for employee use only, subject to the review and approval of the Board Engineer.

**The Board voted on the Application as follows:**

**Motion:** Chairman Heller

**Second:** Mr. Ghebremicael

Bagoff: Yes	Carlucci: Absent	Eben: Yes	Ghebremicael: Yes
Gurland: No	Klein: Absent	Lester: Yes	McCartney: Yes
Weston: Yes	Wilkes: Absent	Heller: Yes	

Chairman Heller announced a brief recess at approximately 9:37 P.M.; he reconvened the meeting at approximately 9:46 P.M.

**PB-14-11/NxStage Newark LLC**

Block: 176.03; Lot: 14; Zone: B-1

445 Pleasant Valley Way

Preliminary and Final Site Plan with "c" Variance.

**EXHIBITS**

**A-1:** Photo Rendering of Proposed Signage, prepared by North American Signs Inc., dated March 26, 2014.

**DISCUSSION**

Richard C. Stewart, Esq., Lasser Hochman, LLC, attorney for the Applicant, stated the Application was for minor improvements to property located at 445 Pleasant Valley Way for the intended use of a dialysis center; the Applicant was requesting one variance for parking; thirty-one (31) spaces were required; twenty-nine (29) existed; thirty (30) were proposed.

Christopher D. Kidd, RA, Christopher Kidd & Associates, LLC, was sworn in, stated his credentials. Mr. Eben advised Mr. Kidd that it was his opinion that the plans he prepared were in violation of the rules of the New Jersey State Board of Architects; the Title Block should list his New Jersey License number and his Certificate of Authorization number; the plans were missing sixteen items including an area map and key map signature box. In response to inquiry from Chairman Heller, Mr. Dwyer stated that Mr. Kidd was an architect licensed in the State of New Jersey; the Board accepted Mr. Kidd to be an expert witness in architecture.

Mr. Kidd said the proposed project was to renovate an existing building located at 445 Pleasant Valley Way; the building had previously been used as a restaurant, a video store, and a liquor store; it was presently vacant; the building was approximately 6,248 sq. ft. The proposal was to make interior and exterior improvements for an outpatient ambulatory dialysis center. The improvements would include a total gut renovation of the building and parking lot upgrades. Parking lot improvements would include patching, resurfacing, adding two trench drains to the rear of the property for proper drainage, widening the sidewalks at the building entry and rear of the building, adding a small retaining wall to the rear of property, relocating the handicap parking spaces and restriping the parking lot to accommodate a total of thirty parking spaces. The parking ordinance required thirty-one parking spaces; the Applicant was requesting variance relief for one space. Building improvements would include replacing the windows, updating the roof and mechanical systems, screening the roof mechanicals, plumbing and electrical systems, and replacing existing interior lighting. The existing exterior lighting and sign structure would be reused with a new insert. The facility would have three home training rooms and six in-center stations, including an isolation station. The services provided would include home hemodialysis training, peritoneal dialysis training, nutritional support and psychosocial support. The staff would include a Center Director, two full time registered nurses, one full time patient care technician, one full time administrative assistant, one part time dietician and one part time social worker. The hours of operation would be Monday through Saturday, 8:00A.M. to 4:30 P.M. The project cost was approximately \$1,300,000. Mr. Kidd said he had received memorandums from Mr. Grygiel and Mr. Keller, Omland Engineering; he said the comments and recommendations made by the Township professionals had been addressed, which included details regarding the proposed emergency generator and the various improvements required within the Pleasant Valley Way right of way.

Council President McCartney asked for details regarding the exterior freestanding sign; referring to Exhibit A-1, Mr. Kidd described the proposed signage. Mr. Grygiel said the existing freestanding sign could be reused by the Applicant; the Technical Review Committee had requested sign details be submitted to the Board for review for esthetic purposes; the height and dimensions of the sign would not change.

Dr. Bagoff said he had visited the site and noted the gate surrounding the dumpster enclosure was damaged; there was no dumpster in the enclosure. Mr. Kidd said the gate would be replaced and a dumpster put in place. Dr. Bagoff said there was a ladder leading to the roof that had a safety screen partially pulled away; Mr. Kidd said it would be repaired. Dr. Bagoff said there were currently two ADA parking spaces; Mr. Kidd said a third would be added that would be van accessible. Dr. Bagoff said there was a cigarette stand in the front of the building; Mr. Kidd said the stand would be removed. Dr. Bagoff said there were wood (railroad) ties that were rotting in the front of the building; Mr. Kidd said the wood ties would be replaced, and all new landscaping would be installed. Dr. Bagoff asked about the condition of the parking lot. Mr. Kidd said the lot would be resurfaced and striped; the fire lane would be marked. In response to questions from Dr. Bagoff; Mr. Kidd confirmed that an exterior lighting plan would be submitted and the emergency back-up generator would meet State regulations; he said the generator specifications had already been submitted as part of the application package; the exterior roof would be patched; the interior ceiling would be a drop ceiling.

Chairman Heller stated that Mr. Kidd testified that a new landscaping plan would be submitted to the Acting Township Planner; he requested it be so noted as a condition of approval.

Vice Chairman Weston requested that the metal roof screening compliment the rest of the building; Mr. Kidd said the plan was to have the screening color match the rest of the building; the existing building would be repainted; there were many different finishes on the building, the idea was to paint the building monolithically.

Mr. Eben stated the storefront windows were to be replaced; the bottom half was an opaque panel, not glass. Mr. Kidd answered in the affirmative; he said the floor plan indicated cabinetry along the interior wall to encase the piping for the dialysis stations. The window panels were to provide screening for patient stations. Mr. Eben requested a sample board for exterior colors be provided; Mr. Kidd agreed to the request. Mr. Eben said the plan indicated a fireplace; what was its purpose. Mr. Kidd said there would be a flat-screen television in the reception area; a faux fireplace would be located under the television.

The Public had no questions for Mr. Kidd.

Sunny Uberoi, representative of property owner, 445 Realty Management LLC, was sworn in. In response to question from Mr. Eben, Mr. Uberoi said he had owned the property since December 2012. Mr. Eben asked why the property was not maintained. Chairman Heller said the inquiry was not relevant to the Application.

The Public had no questions for Mr. Uberoi.

There was no further testimony; the Board deliberated on the Application. Mr. Dwyer said the West Orange Police had issued a memorandum dated August 6, 2014 recommending Applicant to replace the "No Left Turn" sign be added as a condition of approval; Mr. Dwyer read the memorandum.

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 comply with the comments in the review letters from Eric Keller, PE, PP dated July 28, 2014 and Paul Grygiel, AICP dated July 25, 2014.
8. All of the attachments to the letter from Christopher Kidd & Associates, LLC to Eric Keller dated July 31, 2014 shall be noted on the plans.
9. Applicant to submit a Lighting Plan for the review and approval of the Board Planner.
10. Applicant to submit sample for the band of colors and materials for the signage and roof materials for review and approval of the Board Planner.
11. Applicant to replace the "No Left Turn" sign at the driveway exit with a similar but new sign per the Memo from the West Orange Police Department Traffic Safety Division dated August 6, 2014.

12. Applicant to include License Number and Certificate of Authorization information on the architectural plans as required.
13. All conditions of approval shall be recited on the plans.
14. Applicant to comply with any affordable housing obligations resulting from this approval.

**The Board voted on the Application as follows:**

**Motion:** Dr. Bagoff

**Second:** Chairman Heller

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

**DISCUSSION**

**Technical Review Subcommittee Ordinance and Application Process  
Carried from the July 2, 2014 regular meeting.**

Mr. Grygiel gave a brief recapitulation of the items discussed at the April 2, 2014 and May 7, 2014 meetings regarding proposed changes to the Technical Review Application process including replacing the existing Technical Review Advisory Committee with a Site Plan Review Advisory Board as permitted by the Municipal Land Use Law; providing standards for when site plan approval is required; defining “major” and “minor” site plans; and requiring technical review of all major site plan applications for both the Planning Board and Zoning Board. There was agreement that tenants should not be required to appear before the Technical Review Committee for changes in tenancy for permitted use businesses. He said the original intent of the Review Committee was to assist new business owners, but over time, the process had become counter-productive. Mr. Grygiel said the next step was for the Board to determine if there should be a new ordinance or ordinance amendment for the (Township) Council to consider.

The Board discussed changing the process to eliminate the need for small a “Mom & Pop” tenant to appear before the Technical Review Committee; a change of use should not necessitate Technical Review if the business was a permitted use; and the Zoning Official had determined the business would not trigger (i.e.) the need for additional parking spaces or other zoning requirements. The Board agreed that in lieu of Technical Review, it was important to provide tenants with information to understand what was required to open a business in the Township. A “flowchart” document or more detailed Planning Department checklist should be prepared to help guide potential business owners through the Township review process in place of the current application process. It was determined the Board should draft a recommendation to Council to do away with the existing Technical Advisory Committee.

Mr. Grygiel said the triggers for site plan review should be more quantifiable; eliminate the \$100,000.00 threshold for one thing; and clearly define a major site plan and minor site plan. Mr. Grygiel said the prelude for full site plan review would be Site Plan Review Advisory Committee to vet applications prior to hearing before both Boards, Planning and Zoning.

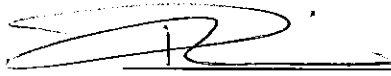
The Chairman requested the Secretary assist Mr. Grygiel in drafting a graphic flowchart for information regarding opening a business in the Township; once a draft had been created other Departments including Building, Health, Zoning, and the Downtown Alliance would be consulted for their input.

The Board requested Mr. Grygiel draft a recommendation for Council to revise the Technical Review Advisory Committee ordinance to be reviewed at the next regular meeting.

Additionally, Dr. Bagoff recommended the Site Plan/Subdivision checklist be amended to include the item Architect Title Block Requirements to include New Jersey License Number and Certificate of Authorization Number. The Board determined a visual example of a proper Title Block be included in the Application package.

**MEETING ADJOURNED** at approximately 10:43 P.M.

Minutes adopted October 1, 2014



Robin Miller, Planning Board Secretary  
Township of West Orange

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE  
WEDNESDAY NOVEMBER 5, 2014 AT 7:30 P.M. IN COUNCIL CHAMBERS**