

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
MEETING MINUTES  
November 5, 2014**

The Township of West Orange Planning Board held a regular meeting on November 5, 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 7:33 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, Jerome Eben, Council President Susan McCartney, Jason Lester, Vice Chairman Ron Weston, William Wilkes II

**ABSENT:** Robert Bagoff, Joanne Carlucci, Tekeste Ghebremicael, Gerald Gurland, Lee Klein

**ALSO PRESENT:** Paul Grygiel, AICP, PP, Acting Township Planner, Patrick J. Dwyer, Esq., Board Attorney, Robin Miller, Board Secretary, Kevin Dillon, Jr., 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 December 3, 2014 in Council Chambers at 7:30 P.M.

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

**DISCUSSION**

The Board discussed the number of continuances granted to Applicant PB-14-06/AutoZone, Northeast, Inc. since July 2014. Mr. Dwyer was asked to send correspondence to the Applicant's Attorney indicating no further continuances would be permitted.

**ADOPT MINUTES**

The minutes of the July 2, 2014 meeting were unanimously adopted.

**ADOPT MEETING DATES**

The meeting dates for 2015 minutes were unanimously adopted.

**SWEARING IN**

Paul Grygiel, AICP, PP, Acting Township Planner.

**RESOLUTIONS**

**PB-14-18/Millennium Homes/BNE Real Estate Group**

Block: 107; Lot: 1.03; Zone: OB-2

1 Boland Drive

Amended Site Plan with "C2" Variance.

**DISCUSSION**

Mr. Grygiel gave a brief recapitulation of the Application for the installation of a stand-by emergency generator, relocation of trash enclosure, and "C2" variance relief for the elimination of two parking spaces.

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

**Motion:** Chairman Heller

**Second:** Vice Chairman Weston

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

**PB-14-21T/WL West Orange LLC t/a Wine Legend**

Block: 152.24; Lot: 1445 and 1445.05; Zone: P-C

235 Prospect Avenue

Technical Review Site Plan for Wine Bar and Liquor Store.

**DISCUSSION**

Vice Chairman Weston gave a brief recapitulation of the Technical Review Application approved by the Subcommittee on October 16, 2014 with the following conditions:

1. Applicant shall provide a hand wash sink and a mop sink.
2. Applicant shall provide a refuse and recyclable container at the rear exterior of leased unit.
3. Only food warming and food preparation shall be permitted. No cooking of food shall be allowed on premises.

Council President McCartney said the owner of Frank's Pizza had contacted her regarding the possibility for reserved customer parking; Mr. Dwyer opined the tenant should contact the property owner regarding the issue.

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

**Motion:** Vice Chairman Weston

**Second:** Chairman Heller

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

**PB-14-22T/Ron Genao d/b/a Major League Cut**

Block: 134; Lot: 1; Zone: B-1

47 Chestnut Street

Technical Review Site Plan to lease retail space for a barbershop.

**DISCUSSION**

Vice Chairman Weston gave a brief recapitulation of the Technical Review Application for a barbershop tenant fit-out approved by the Subcommittee on October 16, 2014 with the following conditions:

1. Applicant shall obtain all necessary building permits required for site improvements; architectural plans prepared by a licensed New Jersey architect to be submitted to Construction Official;
2. Applicant to apply for sign permit; signage to be approved by the Zoning Official;
3. 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.

Mr. Eben voiced concern about the proposed signage affecting the architectural elements of the building. Mr. Weston said the building was outside the corridor of the Downtown Alliance.

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

**Motion:** Vice Chairman Weston

**Second:** Chairman Heller

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

**PB-14-23T/R.T. Williams d/b/a Valley Plaza Barbershop**

Block: 5; Lot: 1; Zone: B-1

4 South Valley Road

Technical Review Site Plan to lease retail space for barbershop.

**DISCUSSION**

Vice Chairman Weston gave a brief recapitulation of the Technical Review Application for a barbershop tenant fit-out of long vacant Police Substation storefront approved by the Subcommittee on October 16, 2014 with the following conditions:

1. Applicant to apply for sign permit; signage to be approved by the Zoning Official;
2. 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.

Mr. Eben opined he liked the window (signage) detailing.

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

**Motion:** Vice Chairman Weston

**Second:** Chairman Heller

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

**DISCUSSIONS**

**TECHNICAL REVIEW SUBCOMMITTEE ORDINANCE AND APPLICATION PROCESS.**

*Continued from the October 1, 2014 regular meeting.*

**DISCUSSION**

Chairman Heller gave a brief recapitulation of the past Board discussions regarding changes to the Technical Review process; he advised the Board the need to send the recommendation for changes to the Technical Review (Ordinance) to the Council (this month). He asked Mr. Grygiel to discuss any additional revisions per input from the Board and Township professionals, Ms. Gary-Adams (Zoning Official), Mr. Tracey (Construction Official), and Mr. Lepore (Municipal Engineer). Mr. Grygiel discussed the most recent revisions, which included correcting typographical error(s), and the deletion of the final clause. The Board determined the revisions were more in line with Municipal Land Use Law. Mr. Eben voiced concern that property maintenance issues would not be addressed; Chairman Heller and Vice Chairman Weston opined that the Ordinance revisions would put the onus of property maintenance issues on the Zoning and Building Departments as original initiative. Mr. Grygiel said requirement for "Run Card" would remain in the document; the Board suggested contacting the Fire Department for clarification on the terminology. (\*) The Board discussed the next step would be to submit a Recommendation and copy of the revised Ordinance to the Council for their consideration. Council President McCartney said that members of the Public would be able to voice their input during the Council meeting.

(\*) Council President McCartney read text from Fire Chief Smeraldo in response to her inquiry regarding the term "Run Card", a hard-copy map that identified the location of all fire hydrants by street within a certain area.

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

**Motion:** Chairman Heller

**Second:** Vice Chairman Weston

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

## **GREEN INITIATIVE ORDINANCE**

### **DISCUSSION**

Chairman Heller addressed the Board. He said the issue of sustainability was something the Board had already been discussing with Applicants; he opined the Board did not have the authority to condition Applicants to implement green initiatives; but to hope the initiatives would be implemented in good faith. He suggested the Board discuss adopting a Green Infrastructure Ordinance for Applicants to follow; to that effect, he had asked Mr. Grygiel to research the issue. He indicated Mr. Grygiel had already worked on a Sustainability Ordinance for another municipality; additionally Mr. Grygiel would address the issue of storm water management. Chairman Heller said the Township had partnered with the Passaic Valley Sewerage Commission and Rutgers University; the Township was required to complete two green infrastructure projects within the next two years; a Green Initiative Ordinance would count as a project.

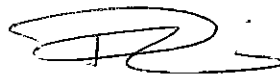
Mr. Grygiel gave a brief recapitulation of the Ordinance his firm had drafted for a neighboring municipality; the issue that municipality had was balancing sustainability with the rights of property owners; the result was a checklist of optional green initiatives to be implemented in new project design. The implementation of the checklist items were not required, however, the reason for non-compliance had to be listed. An Application was deemed incomplete if the checklist was not completed.

The Board discussed various initiatives including a light colored roof, bike racks, and shade trees. Chairman Heller suggested a LEED checklist would be a good starting list of items. Mr. Grygiel said the Township's Master Plan included a sustainability plan. Chairman Heller requested the Secretary provide the Board with copies of the potential Green Initiative Ordinance and the Sustainability Plan section from the Township's Master Plan for further discussion at the next meeting.

Mr. Eben asked if there was an update from the Council regarding Ordinance 2424-14 to amend business hours of operation; Chairman Heller said the Ad Hoc Committee created by the Council was reviewing the Ordinance.

**MEETING ADJOURNED** at approximately 8:25 P.M.

Minutes adopted December 3, 2014



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Robin Miller, Planning Board Secretary  
Township of West Orange

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE  
WEDNESDAY JANUARY 7, 2015 AT 7:30 P.M. IN COUNCIL CHAMBERS**