

**TOWNSHIP OF WEST ORANGE  
PLANNING BOARD  
MEETING MINUTES  
October 3, 2018**

The Township of West Orange Planning Board held a regular meeting on October 3, 2018 at 7:30 P.M. in the Council Chamber, 66 Main Street, West Orange, New Jersey.

Chairman Bagoff called the meeting to order at approximately 7:30 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

**PLEDGE OF ALLEGIANCE**

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

**ANNOUNCEMENTS**

The next Planning Board regular meeting will be November 7, 2018 in the Council Chamber at 7:30 P.M.

**ROLL CALL**

**PRESENT:** Chairman Robert Bagoff  
John Cardoza  
Captain Michael Keigher  
Council President Susan McCartney  
Kenneth McPherson  
Andrew Trenk  
Gary Wegner  
William Wilkes II

**ABSENT:** Lee Klein  
Vice Chairman Ron Weston

**ALSO PRESENT:** Paul Grygiel, AICP, PP, Township Planner  
James Giurintano, PE, PP, CME, Board Consulting Engineer  
Patrick J. Dwyer, Esq., Board Attorney  
Robin Miller, Board Secretary

**ADOPT MEETING DATES**

Adopt 2019 Planning Board meeting dates.

The Board voted to adopt the 2019 meeting dates as follows:

**Motion:** Chairman Bagoff

**Second:** Mr. McPherson

Cardoza: Yes	Trenk: Yes
Keigher: Yes	Wegner: Yes
Klein: Absent	Weston: Absent
McCartney: Yes	Wilkes: Yes
McPherson: Yes	Bagoff: Yes

**SWEARING IN**

Paul Grygiel, AICP, PP, Township Planner

James Giurintano, PE, PP, CME, Board Consulting Engineer

**EXECUTIVE SESSION**

Chairman Bagoff announced the Board would not be going in to Executive Session.

**RESOLUTION(S)**

**AMENDED RESOLUTION**

**PB-17-08/Crestmont Country Club**

Block: 174, Lots: 1 & 1.01, Zone: R-2

750 Eagle Rock Avenue

Preliminary and Final Major Site Plan Approval with "C" variances.

**APPROVED 10/4/17, ORIGINALLY MEMORIALIZED 11/1/17**

**DISCUSSION:**

Chairman Bagoff stated the Amended Resolution before the Board was for the Application originally approved on October 4, 2017 and memorialized on November 1, 2017. There was a matter of litigation that was recently adjudicated, and sent down to the Board to amend the Resolution. Mr. Dwyer stated the Superior Court essentially praised and agreed with the Board on its interpretation of the law and its decision regarding the application approval. Mr. Dwyer stated the Court did take issue with the original Resolution and determined there was certain language regarding allowing the Board to grant the Tree Removal approval. The changes in the Amended Resolution reflect the inclusion of the testimony regarding the approval of the Tree Removal application.

The Board voted on the Amended Resolution as follows:

**Motion:** Chairman Bagoff

**Second:** Council President McCartney

Cardoza: Yes	Trenk: -
Keigher: Yes	Wegner: Yes
Klein: Absent	Weston: Absent
McCartney: Yes	Wilkes: -
McPherson: -	Bagoff: Yes

Chairman Bagoff requested the Secretary send a copy of the Amended Resolution to Mr. Robert Daniel by certified mail.

**PB-18-06C/Essex County/Turtle Back Zoo/Otter Exhibit Renovation**

Block: 163; Lot: 1; Zone: R-1

560 Northfield Avenue

Courtesy Review Application for renovation of the Otter Exhibit at Turtle Back Zoo.

**APPROVED 9/5/18**

**PB-18-07C/Essex County/Turtle Back Zoo/New Parking Deck and Train Ride Depot**

Block: 163; Lot: 1; Zone: R-1

560 Northfield Avenue

Courtesy Review Application for construction of a new parking deck and new train ride depot Turtle Back Zoo.

**APPROVED 9/5/18**

The Board voted on the Recommendation for PB-18-06C as follows:

**Motion:** Mr. Cardoza

**Second:** Mr. Trenk

Cardoza:	Yes	Trenk:	Yes
Keigher:	Yes	Wegner:	-
Klein:	Absent	Weston:	Absent
McCartney:	Yes	Wilkes:	Yes
McPherson:	Yes	Bagoff:	Yes

**DISCUSSION:**

Harvey Grossman, Esq., Public Advocate requested a copy of the August 10, 2018 memorandum from Deputy Chief Fred Kingston, Fire Official be attached to the Resolution. Chairman Bagoff agreed.

The Board voted on the Recommendation for PB-18-07C as follows:

**Motion:** Chairman Bagoff

**Second:** Mr. Cardoza

Cardoza:	Yes	Trenk:	Yes
Keigher:	Yes	Wegner:	-
Klein:	Absent	Weston:	Absent
McCartney:	Yes	Wilkes:	Yes
McPherson:	Yes	Bagoff:	Yes

**APPLICATION(S)**

**PB-18-08/Belevedere Homes at West Orange, LLC**

Block: 170.03; Lot: 1.09; Zone: R-2

1 Kunz Way

Minor Subdivision

## **EXHIBITS:**

- O-1:** Letter to Board dated 10/2/18, from John J. Lamb, Esq., Beattie Padovano LLC, attorney for Bel Air at West Orange Condominium Association, Inc. (Objector).
- A-1:** Letter to Board dated 10/3/18, from Richard Schatzman, Esq., Schatzman Baker, attorney for Applicant Belvedere Homes at West Orange, LLC.
- A-2:** Three (3) sheets: (1) Enlarged overall site map of Bel Air, unsigned, undated; (2) Final Map, "Bel Air Estates" Lot 1 – Block 170.03, prepared by C.E.C. Civil Engineering Corporation, signed by Michael T. Armstrong, P.L.S., dated 12/10/2007; and (3) Minor Subdivision, signed by Michael T. Armstrong, P.L.S. and Cyril Kucera, P.E., 7/25/2018

## **DISCUSSION:**

Richard Schatzman, Esq., attorney for Applicant, approached the podium. Mr. Schatzman stated Mr. Lamb, Esq., attorney for contiguous property owner (Bel Air at West Orange Condominium Association, Inc.) had sent a letter to the Board that raised objection to the Application, (Exhibit O-1). Mr. Schatzman stated he had sent a letter to the Board dated 10/3/18, (Exhibit A-1). Mr. Dwyer addressed the Board; he stated both letters were received within the past two days. He stated the letters were sent last minute to the Board, partially because the Objector's counsel had recently been hired. Due to their lateness, Mr. Dwyer stated he was required to hurriedly review the letters and evaluate all the issues raised. Mr. Dwyer stated that apart from marking them as Exhibits, he had no other comments for the Board regarding the questions raised in the letters. He gave the Board a brief recapitulation of issues outlined in the letter from Objectors counsel, (Exhibit O-1).

John J. Lamb, Esq., Beattie Padovano LLC, attorney for Objector, Bel Air at West Orange Condominium Association, Inc. approached the podium. He gave a supplemental outline of his letter dated October 2, 2018, (Exhibit O-1). He stated the Township ordinance was clear on the definition of a "minor subdivision". He stated the application was not for a minor subdivision, there was not access on a public road. He stated the application itself stated it was for a minor subdivision without variances; he stated there were variances involved. Mr. Lamb stated he and the Applicant's attorney disagreed there was a need for a variance for the lack of access on a public street; he cited case law regarding the issue. He stated the Public Notice as insufficient for failure to notify all entitled to notice within 200 feet; he cited case law regarding the issue. Mr. Lamb stated to get to the new road on Kunz Way, you would have to access via Lot 6.09; he stated Lot 6.09 was owned by the Bel Air at West Orange Condominium Association, Inc. He stated the Applicant had considered the four corners of a lot; but that Applicant had not taken in to account to build a road, the Applicant would have to go over a private lot. Mr. Lamb stated Applicant did not have the private road easement as claimed.

Mr. Schatzman returned to the podium. He stated that Mr. Grygiel's report dated August 10, 2018, identified the Application as a minor subdivision. He stated the current lot was one of a nine-lot major subdivision approved by the Board by Resolution dated November 2, 2006. He stated that all of the issues of a major subdivision and bulk variance relief had been discussed at that time. Eight of the original subdivision lots had been sold to Essex

County under Green Acres funds. Mr. Schatzman stated the Applicant's lot had been determined to be a buildable lot; presently the Applicant wished only to subdivide the previously approved lot in to two lots. He stated the Application did not require bulk variance relief. He gave the Board a brief recapitulation of the information stated in the Applicant's Public Notice. He stated all adjoining property owners were properly noticed.

Chairman Bagoff asked if the owner of Lot 6.01 had been noticed. Mr. Schatzman answered in the affirmative. Mr. Lamb stated the Association owned Lot 6.01; he did not know if every resident within 200 feet of Lot 6.01 had been notified. He stated the complex was comprised of property owned by the Association and individual unit owners. He stated the Association had been notified, but not the individual unit owners. Mr. Schatzman stated he received a certified list of property owners within 200 feet; he stated the list of individual homeowners was not included in the certified list. Mr. Lamb stated the Application itself did not include Lot 6.01 or the private road and adjacent property owners; the Applicant only listed the subject property, Lot 1.09; the Applicant only asked for the four corners of the subject property, Lot 1.09. Mr. Dwyer opined that Lot. 6.01 should have been included in the Application. He stated Mr. Schatzman should consider re-noticing. Mr. Schatzman stated that Cyril Kucera, P.E., engineer for Applicant was present; he requested Mr. Kucera be permitted to address the Board regarding noticing. Chairman Bagoff asked Mr. Dwyer if Mr. Kucera's testimony would add to the Board's understanding of the notice. Mr. Dwyer opined it would make no difference; he opined the notice was defective. Chairman Bagoff stated Mr. Kucera would have five minutes to address the Board.

Cyril Kucera, P.E., was sworn in, stated his professional credentials, and was accepted by the Board to be a licensed professional engineer. Mr. Kucera stated he had previously appeared before the Board for the Bel-Air application for development. Referring to Exhibit A-2, he stated Bel Air was a condominium community set on two (2) lots, Lot 6.01 on one side of Kelly Drive, and Lot 2 on the other side of Kelly Drive. He stated that through the Bel Air development, Kelly Drive was the only public road dedicated to the Township. He stated the nearest actual building structure was 240 feet away from the Applicant's property. He stated he strongly believed the Applicant's notice was correct.

In response to question from Chairman Bagoff; Mr. Lamb reiterated the Applicant's notice was deficient; he stated there were additional issues to be addressed including lack of easement approval for the private road, and variance for steep slope. He stated his research also indicated that subsequent to the original subdivision approval, the drainage plan changed when the County acquired lots. He stated the Applicant kept referring the 2006 resolution; but there was a subsequent document showing a change in the drainage plan; however, he stated there was no documentation of a subsequent approval for the revised drainage plan.

Mr. Dwyer advised the Chairman that the discussion was moving aside from the threshold of the public notice. Mr. Schatzman stated he wanted to know if the Application was to be deemed a major or minor subdivision; he asked if Mr. Grygiel would opine. Mr. Grygiel stated he had prepared a memorandum dated August 10, 2018, which did reference a minor subdivision based on the information submitted; however, the review memo raised a number of issues and requested additional information. He gave a brief recapitulation of

the issues outlined in his memorandum; he stated the Applicant did not submit the additional materials. He stated that he had not seen the entire (prior) subdivision plan or known the real status of the private access road. He stated the Application now appeared to be a major subdivision.

Chairman Bagoff stated the fear of any Chair is that a decision be reversed; he stated that under the law this issue had come before the Board previously. He stated he had spoken to Mr. Dwyer in the past about the matter of an Applicant notice to townhouse communities. He stated the entire lot must be noticed; it was one contiguous area. He stated it was better for all concerned parties to err on the side of caution than to be reversed. He stated that at this time, the notice was defective and the Applicant needed to re-notice, and also provide the Board with information regarding the steep slope and drainage issues as required as part of a major subdivision not previously submitted to the Township Planner when the Application was originally filed.

Mr. Grygiel stated the Board Engineer did not review the Application when originally filed; it appeared to be a very straightforward minor subdivision. It was not until quite later when issues arose, that the Board Engineer reviewed the Application and has not yet had the opportunity to do a full review of the issues. Mr. Schatzman stated that the Applicant did submit additional materials to the Board Secretary in response to Mr. Grygiel's memorandum. The Secretary confirmed materials had been submitted; they were forwarded to Mr. Grygiel (on 8/20/2018 and 9/13/18).

Chairman Bagoff reiterated the notice was defective; the Applicant was to re-notice. The Applicant was to provide the Township Planner, Board Attorney and Board Engineer were provided with the appropriate information.

Chairman Bagoff closed the hearing on the matter.

**PB-18-09/Kessler Foundation, Inc.**

Block: 171; Lot: 10; Zone: R-2

1199 Pleasant Valley Way

Preliminary and Final Major Site Plan with Subdivision, "C1" and "C2" variances.

**APPLICANT EXHIBITS:**

- A-1: Overall Plan, (Sheet SP-2), dated 8/7/18, revision date 9/5/18, prepared by Petry Engineering, LLC
- A-2: Building Grading, Drainage, and Utility Plan, (Sheet SP-5), dated 8/7/18, revision date 9/5/18, prepared by Petry Engineering, LLC
- A-3: Parking Lot Grading and Drainage Plan, (Sheet SP-6), dated 8/7/18, revision date 9/5/18, prepared by Petry Engineering, LLC
- A-4: Parking Lot Lighting and Landscape Plan, (Sheet SP-9), dated 8/7/18, revision date 9/5/18, prepared by Petry Engineering, LLC
- A-5: 2<sup>nd</sup> Level Floor Plan, (Drawing No. A1), dated 9/14/18, prepared by NK Architects
- A-6: 3<sup>RD</sup> Level Floor Plan, (Drawing No. A2), dated 9/14/18, prepared by NK Architects
- A-7: Elevations, (Drawing No. A4), dated 9/14/18, prepared by NK Architects
- A-8: Colorized photographs of existing site conditions, (undated)

**DISCUSSION:**

Robert C. Williams, Esq., appeared on behalf of Applicant. He stated the Application was for Preliminary and Final Amended Site Plan approval with four "C" variances. The proposal was to construct an approximately 11,302 square feet addition to the Kessler Foundation research and office space located on the property. Tree Removal and Soil Removal permits were also requested; and a request for a waiver to have a licensed landscape architect sign the plans because the Applicant's engineer, J. Michael Petry, would sign the landscape plan. Mr. Williams stated that Mr. Petry would testify as Applicant's Engineer and Planner.

J. Michael Petry, PE, PP, AIA, Petry Engineering, LLC, approached the podium, stated his professional credentials, and was accepted by the Board to be a licensed professional planner and engineer in the State of New Jersey. Referring to Exhibit A-1, Mr. Petry described the site's existing conditions. He stated the facility was located on an irregularly shaped lot; it contained approximately 34 ½ acres; the parcel had nearly 1,000 feet of frontage along Pleasant Valley Way; and was over 1,200 feet deep. He stated it was steeply sloped from a high point in the northwest corner at elevation 560, to a low point in the southeast corner at elevation 378; between the back of the property and the front of the property there was 182 feet of vertical difference. He stated the Kessler Institute for Rehabilitation and the Kessler Foundation both occupied the site; the Kessler Foundation was a separate but related entity; it was a tenant on the property. He stated there was a single building on the property that was uniquely shaped; given the grades on the site, there were building entrances and exits on three different levels. He stated there were a series of grade changes throughout the site that affected the use of the property. He stated the overall building height was 47.04 feet, based on the average grade calculation. He stated there was a single entry and exit driveway located at the north end of the site; it was signalized. He stated there were a total of six separate parking areas; there were a total of 718 parking spaces, with a requirement of 654 parking spaces. He stated public sewer, water, gas and electric serviced the facility. He stated the Kessler Foundation occupied the most northerly section of the structure; the addition would abut the westerly face of the northerly portion of the building and Parking Lot "E". He stated the addition would come out to the front of the existing sidewalk. He stated the new entry to that portion of the building would be located right next to the entry to the Conference Center. He stated that when the addition was finished, the grade of Parking Lot "E" would be approximately 6 ½ feet above the first floor of the addition. The proposed addition was two floors, equal in size, totaling 11,302 square feet. He stated that after construction, Parking Lot "E" would be restored to its current condition. The proposed additional 36 parking spaces would be located in Parking Lot "F".

Referring to Exhibit A-2, Mr. Petry discussed the current footprint of the water line and the detention system. He stated the detention system would be relocated; the water line around the building would also be relocated.

Referring to Exhibit A-3, Mr. Petry discussed the existing conditions of Parking Lot "F", and described the proposal for the additional 36 parking spaces. He stated current conditions included a sub-surface detention system; the proposal included a separate surface basin and a storm water filter; the water would go to the same place, just through a different system.

Referring to Exhibit A-4, he described the exiting lighting and landscape conditions. He stated proposed improvements would include the more of the exact type of existing light fixtures. He stated there would be a total of eleven (11) [sic] removed; five (5) major trees would be planted in Parking Lot "F", and three (3) trees were to be planted at the building addition.

Referring to the Bowman Consulting memorandum dated September 28, 2018; Mr. Petry stated the Applicant had no problem with the Board Engineer's comments. He stated most of the comments had already been incorporated in to the Applicant's construction documents, and he was working with the Township Engineer to resolve any outstanding issues. Mr. Williams stated the Applicant would accommodate the comments listed in the Bowman Consulting memorandum. Mr. Petry concluded his engineering testimony.

The Board questioned Mr. Petry. In response to questions from Council President McCartney, Mr. Petry stated twelve (12) trees would be removed; twelve (12) trees would be planted. He stated there were a (currently) a total of 718 parking spaces, with a requirement of 654 parking space; in the proposed condition there would be a requirement of 690 parking spaces. The proposal included the addition of 36 new parking spaces for a total of 754 parking spaces.

In response to questions from Mr. Wegner, Mr. Petry stated the overflow Parking Lot "F" was the most remote from the building facility; Parking Lot "E" was the closest to proposed addition. Mr. Petry stated if Parking Lot "E" were expanded, it would create a good deal of disturbance in the steep slope. . Mr. Petry stated that Parking Lot "F" was mostly utilized when there was an event at the Conference Center; there was no place other than on-site for overflow parking. Mr. Petry stated there was more than ample handicap parking next to the building.

In response to question from Mr. McPherson, Mr. Petry stated the Kessler Foundation would be the only entity using the proposed lab and office space.

In response to questions from Mr. Giurintano, Mr. Petry stated the Applicant would also be required to obtain approval from Essex County and Hudson-Essex-Passaic Soil Conservation District.

The Public Advocate and Public had no questions for Mr. Petry.

In response to question from Mr. Dwyer, Mr Petry confirmed the footprint of the Conference Center would remain the same.

Walter J. Kneis, AIA, NK Architects, approached the podium, stated his professional credentials, and was accepted by the Board to be a New Jersey licensed architect. Referring to Exhibit A-5, explained the basis of the proposed facility expansion. He stated the proposal included the addition of approximately 11,300 square feet to the existing building; the addition would add 5,651 square feet per floor. The second floor would consist of laboratory spaces, storage spaces and restrooms. Referring to Exhibit A-6, he stated the

space would be used for interior office space, including private offices and open office workspaces. Referring to Exhibit A-7, Mr. Kneis described the building as a linear building that abutted the existing Parking Lot "E". The building was clad in a metal panel; there were punctured set-in windows that were non-operable; and a glass enclosed stairwell at the end of the existing building. Referring to Exhibit A-8, he described the structure as a brick clad building; he identified the space utilized by the Kessler Rehabilitation Institute. In response to question from Mr. Williams, Mr. Kneis identified the area of the existing generator; he stated it was located more than five feet from the proposed addition as required by code. Mr. Kneis conclude his testimony.

The Board questioned Mr. Kneis. In response to question from Chairman Bagoff, Mr. Kneis confirmed he had read the memorandum from the Township Fire Official; he stated the building was compliant with the Fire Code. He stated the addition would not be sprinklered; he stated he had discussed the issue with the owner, Kessler Institute. Kessler Institute had indicated that long-term plans did include installation of sprinkler system; they would focus on patient areas before the new addition. He was not aware of timeline for the installation of the system. Mr. Kneis confirmed that with the exception of Item 4(c), Applicant would comply with all other recommendations of the memorandum from the Fire Chief dated 9/11/18. Chairman Bagoff stated a condition of approval to include all items from the 9/11/18 Fire Chief memorandum except Item 4(c); as well as a timeline from Kessler Institute for installation of sprinkler system for the building addition.

In response to question from Mr. Wegner, there would be an addition of approximately 40 workstations; they were large spaces for a small number of staff members. He stated the existing roadway would be able to accommodate additional staff vehicles.

In response to question from Chairman Bagoff, Mr. Kneis stated he did not have a rendering of proposed exterior building signage; he stated all signage would be compliant with ordinance.

The Public Advocate and Public had no questions for Mr. Kneis.

Mr. Williams recalled Mr. Petry to the podium to testify as planner for the Applicant. Chairman Bagoff stated Mr. Petry was still under oath. Mr. Petry stated the Application required four bulk variances. The first was a minimum side yard setback on the northerly property line of 75 ft. He stated the stated should not apply; although the property was located in a residential zone, it was a non-residential use and it abutted a property that was also a non-residential use. The existing condition was a 58.5 feet setback; the proposed condition setback would be 44.2 feet. He stated the second variance was for the minimum number of loading spaces; standard required seven (7) spaces; there were currently two (2) spaces; the proposed new office, laboratory and storage addition did not require an additional space. The third variance was maximum lot coverage; 30% was required; existing impervious lot coverage was 36.02%; the proposal would increase it by 1.03% to 37.05%. The final variance was for maximum effective lot coverage after the steep slope area was also limited to 30%; there was currently 53.42%; the proposed would be 54.94%. Mr. Petry stated that when he looked at the positive criteria he opined that the medical research done at the facility was the driving force behind the work of the Kessler Foundation. He

stated that while the Foundation was a separate entity from the hospital it was entirely intergraded; the same doctors that worked at the hospital also did the research for the Foundation. They worked together for the betterment of patient care. He opined the proposal could be considered an ancillary or accessory use to the hospital and could be considered under the inherently beneficial umbrella of the hospital use. He opined the first variance could be justified under a “c(1)” variance criteria. He opined the remaining three variances could be considered under the “c(2)” criteria; the benefits outweighed the detriments. He offered the facility currently functioned with only two loading bays; it did not require the number required by a commercial property. Regarding the two coverage variances, he opined the storm water management plan clearly controlled and reduced runoff; he offered the improvements did not adversely affect the esthetics of the property. He noted that Mr. Grygiel had discussed the minimum number of required trees in the parking lot; four trees for the 36 new parking spaces. Mr. Petry opined that the perimeter trees that abutted the parking lot were included in the count; he believed the Applicant was in compliance with the requirement for one tree for every ten parking spaces. Regarding the negative criteria, Mr. Petry opined the facility itself serviced the public good; the minor expansion was necessary to continue to serve the community. He opined the setback and loading variances were general criteria that did not exist on the site; they had no impact on the zoning ordinance. He stated the increase in coverage variances were very small; measured against a residential standard. All measures had been put in place to protect the surrounding properties. Mr. Petry concluded his planning testimony.

The Board had no questions for Mr. Petry on his planning testimony.

Referring to Exhibit A-4, Mr. Grygiel asked for clarification regarding the proposed trees in Parking Lot “F”. Mr. Petry stated there would be two (2) trees planted in the island and seven along the perimeter of the lot.

In response to question from Mr. Dwyer, Mr. Petry stated the lot had substantial lawn in front of Parking Lot “F”. The view of the property to the Public is one of greenspace. The majority of impervious coverage was hidden behind the building. In response to follow-up question from Chairman Bagoff, Mr. Petry stated the plan had incorporated the installation of a white roof to decrease heat island effect.

The Public Advocate and Public had no questions for Mr. Petry.

There was no further testimony from the Applicant.

Chairman Bagoff asked the Public if they had comments on the Application.

The Public Advocate and Public had no comments on the Application.

Chairman Bagoff closed the public hearing; the Board deliberated.

Chairman Bagoff asked Mr. Grygiel for clarification regarding the request for “c(1)” variance relief. Mr. Grygiel opined the site had been previously developed.

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. All conditions of approval shall be written on the plans.

8. Applicant to comply with the comments in the review letter from Bowman dated September 28, 2018.

9. Applicant to comply with the comments in the Memorandum from the West Orange Fire Department dated September 11, 2018 except Par. 4(c)

10. Applicant to provide a timeline for installing sprinklers in all buildings on its campus at 1199 Pleasant Valley Way.

11. Applicant shall comply with Chapter 30 of the Township of West Orange Code regarding soil removal permits.

The Board voted on the Application as follows:

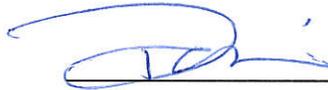
**Motion:** Chairman Bagoff

**Second:** Councilwoman McCartney

Cardoza:	Yes	Trenk:	Yes
Keigher:	Yes	Wegner:	Yes
Klein:	Absent	Weston:	Absent
McCartney:	Yes	Wilkes:	Yes
McPherson:	Yes	Bagoff:	Yes

**MEETING ADJOURNED** at approximately 9:12 P.M.

Minutes adopted February 6, 2019.



Robin Miller, Secretary  
Township of West Orange Planning Board

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE  
WEDNESDAY MARCH 6, 2019 AT 7:30 P.M. IN THE COUNCIL CHAMBER.**