

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MINUTES
July 6, 2011**

The Township of West Orange Planning Board held a regular meeting on July 6, 2011 at 8:00 P.M., in Council Chambers, 66 Main Street.

Chairman Weston called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle and posted on the Township Bulletin Board on January 13, 2011 in accordance with the requirements of the "Open Public Meetings Act."

PRESENT: Vice Chairman Bagoff, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Ben Heller, Councilwoman Susan McCartney, Chairman Ron Weston, William Wilkes.

ABSENT: Joanne Carlucci, Jason Lester.

ALSO PRESENT: Susan Borg, AICP, PP, AIA, Planning Director
Debbie Dillon, Audio Transcription Service, LLC
Patrick Dwyer, Esq. Board Attorney
Robin Miller, Board Secretary

ROLL CALL

Vice Chairman Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Ben Heller, Jason Lester, Councilwoman Susan McCartney, Chairman Ron Weston, William Wilkes.

ADOPT MINUTES

The minutes of the June 1, 2011 Planning Board meeting were unanimously adopted.

ANNOUNCEMENTS

The next regular Planning Board meeting will be held on August 3, 2011 in Council Chambers at 8:00 P.M.

SWEARING IN

Director Borg was sworn in.

RE-ORGANIZATION

Appoint Chairman: Robert Bagoff.

The Board voted on the appointment as follows:

<u>Motion:</u>	Chairman Weston				
<u>Second:</u>	Mr. Ghebremicael				
Bagoff	Yes	Carlucci	Absent	Eben	Yes
Ghebremicael	Yes	Gurland	Yes	Heller	Yes
Lester	Absent	McCartney	Yes	Wilkes	Yes
Weston	Yes				

Appoint Vice-Chairman: Ben Heller.

The Board voted on the appointment as follows:

<u>Motion:</u>	Chairman Weston				
<u>Second:</u>	Councilwoman McCartney				
Carlucci	Absent	Eben	Yes	Ghebremicael	Yes
Gurland	Yes	Heller	Yes	Lester	Absent
McCartney	Yes	Wilkes	Yes	Weston	Yes
Bagoff	Yes				

Appoint Board Transcription Service: Audio-Digital Transcription Service.

The Board voted on the appointment as follows:

<u>Motion:</u>	Chairman Bagoff				
<u>Second:</u>	Mr. Weston				
Carlucci	Absent	Eben	Yes	Ghebremicael	Yes
Gurland	Yes	Heller	Yes	Lester	Absent
McCartney	Yes	Wilkes	Yes	Weston	Yes
Bagoff	Yes				

Appoint Board Attorney: Patrick Dwyer, Esq.

The Board voted on the appointment as follows:

<u>Motion:</u>	Chairman Bagoff				
<u>Second:</u>	Councilwoman McCartney				
Carlucci	Absent	Eben	Yes	Ghebremicael	Yes
Gurland	Yes	Heller	Yes	Lester	Absent
McCartney	Yes	Wilkes	Yes	Weston	Yes
Bagoff	Yes				

Appoint Robin Miller: Planning Board Secretary.

The Board voted on the appointment as follows:

<u>Motion:</u>	Chairman Bagoff				
<u>Second:</u>	Vice Chairman Heller				
Carlucci	Absent	Eben	Yes	Ghebremicael	Yes
Gurland	Yes	Heller	Yes	Lester	Absent
McCartney	Yes	Wilkes	Yes	Weston	Yes
Bagoff	Yes				

RESOLUTIONS

PB-09-28/Hugh Forfar

Block: 175.09; Lots: 2 & 4; Zone: R-5

45-49 Lincoln Avenue

Major Subdivision.

DISCUSSION

Mr. Weston asked whether the height condition had been properly incorporated in the resolution. Mr. Dwyer confirmed that it had been properly worded.

Mr. Gurland informed the Board that he had recently visited the property and despite promises made by Mr. Forfar at last month's Planning Board meeting, the property still had not been cleaned up. Mr. Gurland said that there were new piles of dirt and debris, the trailer dumpster was overflowing, and it appeared that there were piles of newly cut wood.

Mr. Eben said he did not understand how an applicant could come before the Board, asking for approval of an application, and then being permitted to keep property in disarray. He said that all applicants should be required to keep property clean until it is developed.

Councilwoman McCartney asked if Mr. Forfar had ever been fined.

Director Borg said that the time to ensure clean up is before an application is approved. Because of limited manpower, this issue is not a priority for Property Maintenance.

The Board and Mr. Dwyer discussed what could be done legally to have the property cleaned up. Mr. Dwyer told the Board that legally, the resolution must be approved within 45 days, and that the approval of the application is in effect for two years.

It was decided that as an additional condition of approval, the applicant would have thirty days, (from the date of the signed resolution), to clear and clean the property of any trash, rubbish, refuse, junk and debris. In the event the applicant fails to comply with this condition, the Board may place this matter on the August 3, 2011 meeting agenda for the purposes of considering rescission of the approval.

The Board discussed revising the wording of condition number 6 of the resolution to read as follows: No less than 6 evergreen trees, 6 to 8 ft in height, shall be planted along the property line in a staggered fashion between proposed Lot 2 and Lot 12 in Block 175.09. The Town Forrester shall determine the exact number of trees needed to provide a screening buffer between Lot 2 and Lot. 12.

Chairman Bagoff asked the Board if there were any further comments. There were no further comments from the Board.

Chairman Bagoff called for a vote on the resolution with the revised conditions.

The Board voted on the resolution as follows:

Motion: Chairman Bagoff
Second: Vice Chairman Heller

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

PB-11-08/ Hunterdon County Educational Services Commission

Block: 63 & 1301; Lots: 25, 33.01, 36-41, 9-11; Zone: HSD

47 Standish Avenue

Site Plan for parking of West Orange Public School buses and employee cars/
fuel pumps and storage.

DISCUSSION

Mr. Eben asked if the applicant could do a survey for the 81 employee parking spaces; if possible he would like to see more landscaping and less employee parking spaces.

Mr. Weston said that regarding "land banking" the parking spaces he was satisfied, and that the resolution captured the desire for the landscaping changes to be made in the site plan.

Mr. Eben said he was concerned that the Building Department would not read this resolution, and wanted to make sure that there was as much landscaping as possible.

The Board decided to remove the words "if possible" from paragraph 6 of the draft resolution. The paragraph is to read as follows: The Board expressed concern that the proposed landscaping should be maintained by Applicant and also that new non-impervious surface be used to add landscaping, by land-banking two of the employee parking spaces on the Standish Avenue side of the property.

Chairman Bagoff called for a vote on the resolution with the revision.

The Board voted on the resolution as follows:

Motion: Chairman Bagoff
Second: Mr. Ghebremicael

Vote:

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

PB-11-10T/Northfield Village/The Reserve at Bel Aire

Block: 167.03; Lot: 14; Zone: R-3 AH

6 Wadams Court

Technical Site Plan.

DISCUSSION

Chairman Bagoff told the Board that the Technical Review Sub-Committee approved this application at its June 16, 2011 meeting; he asked Director Borg to describe the application to the Board.

Director Borg explained that the applicant currently has a construction trailer on site, and will be using it as a temporary sales trailer until December 31, 2011, at which time it will be removed from the site. Director Borg noted that at the technical review meeting, the Township Engineer told the committee he was concerned that a retaining wall had been built on Lot 14; land which he believed was to be conveyed to the Township, and that before any further construction take place, this issue would be discussed with the applicant's engineer.

Mr. Gurland said that since the sales trailer will be open to the public he believed that it should be handicapped accessible. Mr. Eben said that the sales trailer was required to be handicapped accessible.

The Board decided that as an additional condition of adopting the resolution, it must read that the sales trailer be ADA compliant.

The Board voted on the resolution as follows:

<u>Motion:</u>	Chairman Bagoff				
<u>Second:</u>	Mr. Gurland				
Carlucci	Absent	Eben	Yes	Ghebremicael	Yes
Gurland	Yes	Heller	Yes	Lester	Absent
McCartney	Yes	Wilkes	Yes	Weston	Yes
Bagoff	Yes				

PB-11-11T/Andrew & David's Skate Shop LLC d/b/a Edge Skate Shop

Block: 168; Lot: 30; Zone: B-2

Technical Site Plan.

Chairman Bagoff told the Board that Technical Review Sub-Committee heard this application at its June 16, 2011 meeting.

Director Borg told the Board that the application was for a retail store to sell ice skates and skating apparel. Director Borg said the signage was an important condition of approval and applicant had already fulfilled the necessary signage requirements.

The Board voted on the resolution as follows:

<u>Motion:</u>	Chairman Bagoff				
<u>Second:</u>	Mr. Ghebremicael				
Carlucci	Absent	Eben	Yes	Ghebremicael	Yes
Gurland	Yes	Heller	Yes	Lester	Absent
McCartney	Yes	Wilkes	Yes	Weston	Yes
Bagoff	Yes				

APPLICATIONS

PB-11-12/Prism Green Associates III, LLC

Block: 155; Lot: 26.02; Zone: OR

475 Prospect Avenue

Major Subdivision with variances.

EXHIBITS

A-1: Sheet #4, Steep Slope Calculations.

DISCUSSION

Andy Norin, Esq., attorney for the applicant, told the Board that this application was for a two lot major sub-division with variances. The property is located at the intersection of Rooney Circle and Prospect Avenue in an O-R zone, requiring a 5 acre minimum. Mr. Norin said that about half the property currently has a medical building that was approved in 2008. No new improvements are being proposed with the application. The purpose of the approval is to facilitate more development. Mr. Norin said Gene Diaz, principal at Prism Green, and Joe Staigar, P.E., P.P., the applicant's engineer, were both in attendance and would provide details of the site to the Board.

The variances for the application include:

1. The minimum required lot size of 5 acres, whereas 2.589 acres and 2.236 acres is proposed;
2. the maximum permitted impervious coverage of 30%, to allow impervious coverage of 85.3%, and 68.5 % on the two lots though no new impervious coverage is proposed;
3. the minimum required read yard setback of 75 feet whereas 73.5 feet is proposed;
4. the minimum number of parking spaces, to allow 177 spaces on one of the proposed lots whereas 188 parking spaces are required;
5. the minimum required side yard parking setback of 37.5 feet whereas no parking setback is proposed;
6. the requirement that each lot front on an approved street.

Eugene Robert Diaz, principal of Prism Partners, was sworn in. Mr. Diaz told the Board that the property was formerly owned by Organon. The property had three distinct buildings including an 18,000 square feet building and two services buildings. Prism bought the property in 2005. In 2008, approval was given for the current medical building. The 18,000 square feet building and the two service buildings were demolished.

Mr. Diaz described to the Board the easements history of the property. The property was part of a larger parcel owned by PSE&G to the south, and north to Essex Green. Rooney Circle was installed but it was not a public street. The property owners left a 10 ft. strip of land granting

easements for ingress/egress of the property.

Mr. Diaz explained that Prism is seeking subdivision approval in order to facilitate the sale of the (proposed) vacant lot for future development by a major health club company, as well as to facilitate the future sale of the medical building.

Mr. Diaz discussed the need for the parking variance on the proposed lot with the medical building. The current ordinance requires 188 parking spaces, the application is asking for a parking variance for 11 spaces.

Mr. Diaz told the Board that current medical building tenants include Omni Eye Services, which performs eye surgery, and Reproductive Medicine Associates, a medical practice specializing in infertility. Mr. Diaz said these tenants are not traditional medical practices, and because of the nature of their specialties, do not have patients parking in the lot for extended time periods. Omni performs eye surgery; most of its patients are transported to the facility. Patients of the Reproductive medicine practice usually are in-and-out of the office within a short time. Mr. Diaz told the Board that because of his experience with Englewood Hospital as a Board of Trustees member, he was confident he understood the uses of medical buildings.

Again, Mr. Norin addressed the Board. He said that currently a portion of the medical building was not leased, but even if it was, there would still be enough parking spaces. He said that at most, 150 parking spaces were being used at any one time.

Chairman Bagoff asked the Board if they had any questions for Mr. Diaz.

Mr. Eben said that he had visited the property and thought the vacant lot needed to be cleaned of debris, overgrown weeds and broken glass. He said he would like to see the property maintained before any variance is granted.

Mr. Diaz stated that whenever the Township makes requests regarding property maintenance, all improvements are taken care of. Mr. Diaz said he believed that a building would be constructed on the vacant lot; which is now impervious surface including a tennis court.

Director Borg stated that she believed the property would be cleaned up and maintained by the applicant.

Mr. Heller asked if there was an interested party for the purchase of the proposed vacant lot. Mr. Diaz said that a national health club fitness center was interested, but he did not know the timeframe. Director Borg said that whoever purchased the property would appear before the appropriate Board when the time came.

Director Borg wanted to know the length of the leases for the current medical building tenants. She was concerned that going forward, any type of business could become a tenant and change the parking needs and create traffic issues. Mr. Diaz said that Omni's lease was for fifteen years, with three five year options, and Reproductive Medicine had a ten year lease with a two five year options. Mr. Diaz reminded the Board that the property was formerly owned by Organon which employed many people. There were no apparent traffic issues when the Organon employees left work every day.

There were no questions from the Public Advocate for Mr. Diaz.

Mr. Joseph Staigar, P.E., P.P., was sworn in.

Mr. Staigar presented his qualifications to the Board. Chairman Bagoff said that the Board recognized Mr. Staigar as a qualified professional.

Mr. Staigar showed Exhibit A1, Sheet #4, Steep Slopes Calculations, to the Board, and began discussing the property. Mr. Staigar said that the proposal is to bisect the property and divide it in to two lots. Mr. Staigar said the current property is 4.82 acres; the application seeks preliminary and final major subdivision approval and variance relief to subdivide the property to create two lots containing 2.589 acres and 2.236 acres.

Mr. Staigira said that this application would not change the current property impervious surface coverage.

Mr. Staigar said that the requested variance relief is justified because it advances the purposes of the Municipal Land Use Law, and the benefits outweigh the detriments. He listed the following points:

1. By approving the subdivision, it will facilitate the redevelopment of the property.
2. The requested variances will provide sufficient space in an appropriate location for multiple uses.
3. The subdivision would promote a desirable visible property.
4. The property is currently being underutilized. The subdivision will prevent urban sprawl by being reutilized.

Mr. Staigar said that the application is for a paper subdivision. Visually, the property will remain the same and that there would be adequate ability to access the property because of the easements.

Mr. Staigar told the Board that it would be difficult to redevelop the existing property without it being subdivided because the property is elongated. A better development scheme would be to subdivide because one building would be on one lot and another building on another lot.

Mr. Staigar said that this application would not cause any increased traffic. The existing building footprint would not change, and the impervious coverage is consistent with other properties in the area.

Mr. Staigar said that the parking variance is justified and it is for only eleven spaces. Mr. Staigar said the Township ordinance standard of 1 space per 200 square feet is higher than the ITE standard; citing as source the ITE recommendation that there be 3.5 parking spaces per 1,000 square feet of building area for a Medical Office Building.

Mr. Staigar discussed the street frontage. He stated there would be more than adequate access entering and exiting the property.

Mr. Staigar said the proposed (vacant) lot would be more squared off. He mentioned that the impervious coverage was left over from the previous Organon development.

Mr. Staigar concluded his testimony.

Chairman Bagoff called for a short recess at 9:37 P.M.

Chairman Bagoff reconvened the meeting at 9:37 P.M.

Chairman Bagoff asked the Board if they had any questions for Mr. Staigar.

Councilwoman McCartney asked if the applicant could consider moving the (sub-division) line. She wanted to know if each lot would have its own driveway.

Mr. Diaz said that the existing driveways are pursuant to long existing easements from Essex Green.

Mr. Weston asked about emergency vehicle access to the property. Mr. Staigar said that there is more than adequate access for emergency vehicles; that the condition of cross-access regarding the easement is permanent. There is not less than two cross access easements.

Mr. Weston said that proposed Lot A (vacant), currently has 84 parking spaces. He suggested that a condition for approval of application reflect that the Board did not grant approval for the 84 parking spaces.

Mr. Heller asked about the steep slope tree removal. Mr. Staigar said that the plan was in error; there would be no tree removal as part of this application.

Chairman Bagoff stated that the approval should reflect that the current 84 parking spaces and tree removal not be part of the approval.

The Board discussed the storm water system. Mr. Eben asked if there were currently catch basins or sheet flowing down driveway into the gutter line. He was concerned that all water runs out to Rooney Circle.

Mr. Staigar said there were catch basins; the storm water system ran east to west.

Mr. Heller asked about the landscaping. He agreed with Director Borg's recommendation that there be screening for the transformed along Prospect Avenue, and suggested there also be street trees along the Prospect Avenue property line. Mr. Diaz said that the trees that are now on the property were based on prior approval. It was agreed that up to three more shade trees be planted.

The Board discussed traffic concerns if the medical office building becomes a regular office building with traditional 9-5 employees. Mr. Norin reminded the Board that historically this property was used as a traditional office space, and there were not excessive traffic issues.

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

Conditions:

1. Applicant to submit plans indicating reciprocal cross-easements for access to and from each proposed lot and Rooney Circle and cross-easements for all utilities.
2. Storm water and water systems will be a separate maintenance agreement between the two lots.
3. Applicant to plant up to three more shade trees along Prospect Avenue side of property.
4. Applicant to remove all trash and debris from property within 30 days of application approval.
5. Applicant to submit plans indicating no trees will be removed on proposed Lot 26.02A,

and that the current outline of 84 parking spaces be deleted.

6. Applicant will comply with Director Borg's Planner's Report dated June 21, 2011 as follows:

- I. Evergreen foundation plantings are to be installed along the wall of the existing four-story medical building that is facing Prospect Avenue.
- II. Evergreen plantings are to be installed to screen the utility transformer facing Prospect Avenue.

The Board voted on the application as follows:

<u>Motion:</u>	Chairman Bagoff				
<u>Second:</u>	Mr. Ghebremicael				
Carlucci	Absent	Eben	Yes	Ghebremicael	Yes
Gurland	Yes	Heller	Yes	Lester	Absent
McCartney	Yes	Wilkes	Yes	Weston	Yes
Bagoff	Yes				

MEETING ADJOURNED at approximately 10:06 P.M.

Minutes adopted August 3, 2011



Robin Miller, Planning Board Secretary

****NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE AUGUST 3, 2011 AT 8:00 P.M. IN COUNCIL CHAMBERS ****