

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MINUTES
September 14, 2011**

The Township of West Orange Planning Board held a regular meeting on September 14, 2011 at 8:00 P.M., in Council Chambers, 66 Main Street.

Vice Chairman Heller called the meeting to order at approximately 8:05 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: Chairman Bagoff (8:21 P.M.), Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Vice Chairman Ben Heller, Jason Lester, Councilwoman Susan McCartney, William Wilkes

ABSENT: Lee Klein, Ron Weston

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

ROLL CALL

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

ADOPT MINUTES

The minutes of the August 3, 2011 Planning Board meeting were unanimously adopted.

ANNOUNCEMENTS

The next regular Planning Board meeting will be held on October 5, 2011 in Council Chambers at 8:00 P.M.

SWEARING IN

Director Borg was sworn in.

RESOLUTIONS

PB-11-15C/County of Essex/Turtle Back Zoo
Block: 163; Lot: 1; Zone: B-2
560 Northfield Avenue, Turtle Back Zoo
Courtesy site plan for Sea Lion and Touch Tank Exhibit

The Board voted on the resolution as follows:

Motion: Vice Chairman Heller

Second: Ms. Carlucci

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

PB-11-17T/Hot Topic d/b/a Torrid

Block: 155.21; Lot: 40; Zone: P-C
455 Prospect Avenue, Ste. 506B, Essex Green Shopping Center
Technical Site Plan to lease space for retail clothing store.

DISCUSSION

Vice Chairman Heller told the Board that the application was for a women’s retail clothing store. The application was heard and approved at the July 18, 2011 Technical Review Sub-Committee meeting. Councilwoman McCartney and Vice Chairman Heller were present to review the application at the Tech Review meeting.

The Board voted on the resolution as follows:

Motion: Vice Chairman Heller

Second: Councilwoman McCartney

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

APPLICATIONS

PB-11-16/Montclair Golf Club

Block: 151; Lot(s): 1, 5, 7, 11, 14, 15.01, 23, 34, 37, 41, 45.01, 49; Zone: R-2
25 Prospect Avenue

Preliminary and final amended site plan with a variance for number of required parking spaces.

EXHIBITS

A-1 – Block & Lot Area Map

A-2 – Site Grade & Drainage Plan

A-3 – Main Level & Renovation Plan

A-4 – Building Elevations West and North

A-5 – Building Elevations South

A-6 – Aerial Photo

A-7 – Topographic Survey

A-8 - Basement Level Renovation Plan

**A-9 – Copy of Architectural Plans by Hart Howerton last revised August 5, 2011
with signature block by Jim Tinson, RA added.**

DISCUSSION

Robert Williams, Esq., introduced himself as the attorney for the applicant. He presented to the Board Exhibits A-1 – A-7. Mr. Williams said that he would be introducing several witnesses to testify on behalf of the applicant. The first witness would be George Derrick, PE, Langan Engineering and Environmental Services. Mr. Williams told the Board that Mr. Derrick would be testifying in the capacity of a member of the Montclair Golf Club and the Chairman of the club’s steering committee.

Mr. Derrick was sworn in.

Mr. Derrick told the Board that he was a thirty-year member of the Montclair Golf Club. He gave a brief history of the property and an overview of the application. He told the Board that the key fact was that the proposed construction addressed the changing needs of the club’s members and that all the proposed changes were to improve the functionality of the facility. He told the Board that the club was not expecting or experiencing an increase in membership; in actuality, membership had remained stagnant due to the

current economy. Mr. Derrick said the applicant was seeking to construct four additions to the main clubhouse building. The proposed improvements included a new entry vestibule with an elevator and stairs - 570 square feet; construction of a new kitchen elevator - 100 square feet; expansion of the Ross Room - 256 square feet; expansion of the Banks Room - 220 square feet; and new entry vestibule for exterior access to existing bathrooms - 190 square feet. Mr. Derrick said that the new entry vestibule, including a new elevator and stairs, was for better accessibility to the first floor and second floor facilities. Mr. Derrick said the existing building is approximately 40,000 square feet. He said that the function rooms of the clubhouse were not in use simultaneously.

Mr. Williams introduced Michael Fowler, PE, Langan Engineering & Environmental Services. Mr. Fowler was sworn in. Mr. Fowler satisfied the Board that he was qualified to be a certified expert.

Mr. Fowler referenced Exhibits A-1, Block & Lot Area Map; and A-2, Site Grading and Drainage Map, and described the property to the Board. He said the property is located on Prospect Avenue and included a clubhouse, an 18-hole golf course, tennis courts, maintenance buildings and parking area. Mr. Fowler described the proposed improvements. New bay windows would be installed in two function rooms to enhance the views of the outside. A new covered porch would be added off the Ross Room. There would be a new entry vestibule for exterior access to existing bathrooms near the tennis courts. There would be a new entry vestibule including an elevator and stairs for improved accessibility to the first floor clubhouse facilities and access to the second floor women's locker room. A new kitchen elevator would be installed.

Mr. Williams said that proposed improvements to the property did not change the occupancy capacity of the building. The improvements were to enhance the function of the building as it relates to the changing needs of its current members. The renovations will not result in any new club members or intensified activities. The present parking was adequate for club purposes. The parking area currently had 324 parking spaces. The proposed improvements would require an additional 30 parking spaces, but the applicant was seeking a "C1" variance relief for additional parking.

Mr. Williams introduced A. James Tinson, AIA, Hart Howerton. Mr. Williams told the Board that Mr. Tinson would testify regarding the architectural design of the clubhouse improvements.

Mr. Tinson was sworn in.

Mr. Tinson told the Board he was the Chief Executive Officer of Hart Howerton, and a licensed New Jersey architect. Vice-Chairman Heller accepted Mr. Tinson to be a qualified certified expert.

Mr. Eben addressed the Vice Chairman and Board. He said that while Mr. Tinson may be a licensed New Jersey architect, in the State of New Jersey, Mr. Tinson had a potential Title Block violation on his submission, where as his printed name was not on the Title Block of the plans submitted with the application. Mr. Eben said that he emailed the Planning Board Secretary earlier in the day regarding this matter. Mr. Eben said he was concerned that the Planning Board and Director Borg could be aiding the illegal practice of the profession if the plans were accepted without noting the problem up front.

Mr. Williams told the Board that he had spoken with Director Borg regarding Mr. Eben's email. Mr. Tinson had brought to the meeting a set of plans with his name in the Title Block. The plans were marked Exhibit A-9 - Revised Site Plans dated August 5, 2011 (set).

Mr. Tinson testified that the additions and improvements were designed to integrate the existing architectural design and characteristics of the property. New covered seating would be installed. There would be new bay windows in the Ross Room and Bank Room. A new open exterior area would be covered and enclosed. Mr. Tinson said that the overall goal of the renovation was the seamless incorporation of materials that matched those already existing. Mr. Tinson concluded his testimony.

The Board acknowledged receipt of a letter dated September 14, 2011 from James M. Helb, P.E., P.L.S., P.P., Engineer for the Township of Verona. Mr. Helb believed that some or all of the improvements listed in the application were within the Township of Verona.

Vice-Chairman Heller asked what part of the application property is in West Orange, and what was not.

Mr. Williams said that it was the opinion that all the property was in West Orange, not in Verona. Mr. Williams said that the property in question was several hundred feet from Verona.

Director Lepore was sworn in.

Director Lepore said that under land use law everything was subject to Verona approval, but regarding the application, he believed the building and building exterior was in West Orange.

Vice Chairman Heller asked for questions from the Board.

Mr. Gurland asked if the basement employee bathrooms referred to in Exhibit A-7 were ADA compliant. He noted that the plan does not indicate handicap accessibility; and any renovations must ensure that ADA requirements would be enforced. Mr. Tinson said that he was unsure if the current employee bathrooms were ADA compliant, but the renovations would necessitate compliancy. Director Borg said that Tom Tracey, Construction Official would investigate the ADA status of the employee bathrooms as a matter of inspection approval.

There were no further comments from the Board.

There were no questions from the Public Advocate.

Mr. Williams introduced his next witness, Gregg Woodruff, PP, Project Manager, Langan Engineering and Environmental Services. Mr. Woodruff stated his qualifications. The Board was satisfied he was qualified as an expert in planning.

Mr. Woodruff testified that the variance sought was a "C-1" variance because of the exceptional conditions of the property. He said that regarding the positive criteria, the property was a unique use and not all of the interior function rooms would be used at the same time. Mr. Woodruff said that the membership would remain the same, and that the proposed additions would improve ADA accessibility. Mr. Woodruff said that by not paving more parking spaces the club would be preserving open space. The highest demand for parking was during evening hours when parking in the maintenance areas was available to club members. Regarding negative criteria, Mr. Woodruff said that the purpose of the parking requirements in the ordinance was to ensure adequate space for all users, and that due to the uniqueness of the property, all parking was accounted for on site. Any overflow parking could use the maintenance building area. There would be no substantial detriment to the public good and no substantial impairment with regard to the zone plan and ordinance.

Vice Chairman Heller asked the Board if they had any questions.

Mr. Eben said that if membership was actually down, and the expansion was not part of a larger program, could some parking spaces be eliminated and more landscaping installed.

Mr. Woodruff said that the function and need of the current spaces does exist. There should not be a decrease.

Councilwoman McCartney wanted to know if some of the existing spaces should be changed to handicap accessible, and if the current spaces were located close to the proposed ADA modifications. Mr. Woodruff said that there are currently enough handicap accessible parking spaces.

Mr. Derrick said that the current handicap accessible spaces were located on the northeast side where the new ADA ramps would be located. Mr. Derrick said that based on his club experience, additional ADA spaces were not necessary.

Mr. Gurland wanted to know if a condition should be made at this time making sure that the employee bathrooms in the basement be ADA compliant.

Chairman Bagoff said that a condition for approval could include the building official must check to make sure the employee bathrooms are ADA compliant.

There were no further questions from the Board.

There were no questions from the Public Advocate.

Vice Chairman Heller asked if there were any questions from the public.

Thomas Kelly, 81 Seaman Road, West Orange

Mr. Kelly said that he received the Notice to Adjacent Property Owners and was confused regarding the wording of the minimum number of parking spaces required by ordinance. He wanted to know if the application was adding or taking away parking spaces.

Mr. Woodruff said that there were currently 324 parking spaces. Increasing or decreasing the amount of parking spaces was not proposed. The number of spaces would remain the same.

There were no further questions from the public.

The Board discussed the report from Township Engineer Leonard Lepore dated September 14, 2011, requesting permission from the applicant to plant trees in the riparian buffer of the Peckman River. It was agreed that the applicant would work together with the Township Engineer to comply with the spirit of the request.

There were no further comments from the Board.

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.
6. Applicant shall comply with the rules of the Council on Affordable Housing (COAH) and/or the ordinances of the Township of West Orange, including any amendments or revisions thereto, as the same may require the creation of low- and moderate-income restricted affordable housing as a

result of this project.

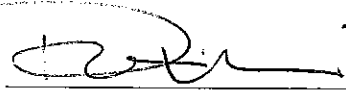
7. The parking variance to maintain but not increase parking beyond the existing 324 spaces is granted.
8. Applicant shall comply with all ADA requirements triggered by these improvements.
9. Applicant shall obtain site plan and/or other approvals from Verona Township if needed.
10. Applicant shall cooperate and work with the Township Engineer's office in permitting the planting of trees in the riparian buffer of the Peckman River as outlined in the letter from West Orange Engineer Leonard Lepore, PE dated September 14, 2011. The letter requests Applicant to provide up to 7,237 sq. ft. of space where the Township may plant just over 80 trees, consisting of Red Maple, Black Gum White Ash, American Hornbeam and Flowering Dogwood, on property owned by Applicant along the riparian buffer of the Peckman River.
11. 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.

The Board voted on the application as follows:

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

MEETING ADJOURNED at approximately 8:56 P.M.

Minutes adopted October 5, 2011



Robin Miller, Planning Board Secretary

****NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE NOVEMBER 2, 2011 AT 8:00 P.M. IN COUNCIL CHAMBERS ****