

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MINUTES
May 4, 2011**

The Township of West Orange Planning Board held a regular meeting on May 4, 2011 at 8:00PM, in Council Chambers, 66 Main Street.

Chairman Weston called the meeting to order at approximately 8:05pm. 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, Joanne Carlucci, Jerome Eben, Gerald Gurland, Ben Heller, Jason Lester, Susan McCartney and Chairman Weston

ABSENT: Testeste Ghebremicael, William Wilkes

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

ROLL CALL

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

ANNOUNCEMENTS

The next regular Planning Board meeting will be held on June 1, 2011 in Council Chambers at 8:00pm.

ADOPT MINUTES

The minutes of the April 6, 2011 Planning Board meeting were unanimously adopted.

DISCUSSION

Director Borg stated The Museum of Modern Art had selected five communities to work on creating a new type of housing and The Oranges were one of the five picked. Architect Steven Holl will be the architect for our area. She also stated that this will be part of an exhibit at the museum in 2012.

Councilwoman McCartney asked are they actually going to do the work to the structures and Director Borg stated no, it would just be an exhibit.

RESOLUTIONS

PB-11-06H/Sandels

Block: 86.01 Lot: 4 Zone: R-5
23 Fairway Drive
Home Occupation -- Family Day Care

Chairman Weston explained the applicant was seeking to open a family day care in his home and the application was heard at the Technical Review meeting on April 16th. He read the conditions and asked if there were any questions.

Councilwoman McCartney questioned the licensing for this business. Chairman Weston stated that this was all explained to him at the meeting. Councilwoman McCartney said this home day care should be on the radar and Director Borg stated that they will go to the home to follow up. Mr. Gurland asked how many children at the daycare and Chairman Weston said 5. Mr. Gurland questioned the parking and Director Borg said nothing in the law limits parking.

Mr. Gurland stated that this resolution has to do with use and Director Borg agreed. Chairman Weston stated that the ordinance limits the use of his house to a certain percent and that was explained to the applicant.

Councilwoman McCartney stated that she thought 5 was the cap even though he had 2 of his own children. Director Borg stated that he needs a State certificate anyway and the number will be determined by the State. Mr. Gurland asked if there was fencing around the outside play area and Chairman Weston stated yes there was; he just wasn't sure if it was completely around the entire yard. Chairman Weston said they did speak about the play yard at the meeting.

Motion: Mr. Bagoff
Second: Chairman Weston

Bagoff	Yes	Eben	Yes	Gurland	Yes	Lester	Yes	Wilkes	-
Carlucci	Yes	Gherbremicael	-	Heller	Yes	McCartney	Yes	Weston	Yes

PB-11-05T/Mountain Surgical Center (RLM Real Estate, LLC)

Block: 155 Lot: 26 C002 & C003 Zone: O-RA

375 Mt. Pleasant Avenue

Minor site plan amendment

Chairman Weston read the resolution and explained that the application was an amended technical site plan to add a generator pad and an awning. He stated it was heard at the Technical Review meeting on April 16th. After reading the conditions to the resolution, Chairman Weston asked if there were any questions. Mr. Gurland asked how big the generator was. Director Borg gave Mr. Gurland the site plans to look at and explained that at the Technical Review meetings they go over the plans thoroughly so they do not have to do it here at this meeting. She also stated that he was more then willing to come to these meetings.

Motion: Mr. Bagoff
Second: Ms. Carlucci

Bagoff	Yes	Eben	Yes	Gurland	Yes	Lester	Yes	Wilkes	-
Carlucci	Yes	Gherbremicael	-	Heller	Yes	McCartney	Yes	Weston	Yes

Chairman Weston mentioned they were doing work at the zoo and he called Tom Tracey and Mr. Linson. He said that he acknowledges they are trimming trees for access to the zip lines and one question he raised was the setback and screening. Mr. Linson told him that he will get back to the Board after he looks at it. Chairman Weston stated that if the County decides not to listen to what the Board recommended and does not comply; they still have the jurisdiction to do what they want provided their work complies with applicable code regulations.

Councilwoman McCartney spoke about Ordinance 2315-1, an ordinance amending Chapter 25-21.1 (d) Non-conforming uses, Structures and Lots, that they made recommendations to the Township Council about last month. She explained that the Council tabled it because the Town Attorney Ken Kaiser, after researching it, found that it exceeds their authority as a Municipality.

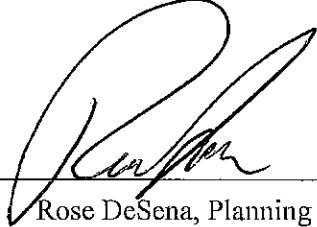
Director Borg stated that they met this morning with attorneys and they are working on this ordinance together. She also stated that the ordinance will not include a specific percentage in it. Councilwoman McCartney wanted to give the ordinance to the Board members to look at but Director Borg stated that she cannot because it is privileged information. Director Borg said that Pat Dwyer is the only one authorized to pass it out to Board members.

Mr. Gurland apologized for coming in late and said that there is an error in the April 6th minutes. The minutes showed that he was absent and present at the same time. Director Borg asked him to please email us before the meeting so all corrections can be made at that time. Chairman Weston asked that the minutes be corrected.

Pat Dwyer told the Board about a new law coming into effect. He stated that the "time of submission" law becomes effective May 5, 2011. He explained that it means the zoning, which is in effect at the time an application is submitted, will govern and it cannot be changed as before. He stated that the Board may want to consider adopting a policy/rule with a time limit on the amount of time an applicant has to submit additional documents in order to make an application complete, otherwise it will be dismissed without prejudice, to prevent an application being submitted but not made complete in order to prevent the zoning from being changed. Chairman Weston went on to explain what the application submission process is now; how an applicant comes to the technical review meeting and Director Borg goes through the materials and says if the application is complete or not. Director Borg also stated that all of the Township's major ordinances are currently up to date

Chairman Weston motioned to adjourn the meeting and Dr. Bagoff was second on the motion.

MEETING ADJOURNED 8:41 pm.


6/1/11
Rose DeSena, Planning Board Secretary