

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MINUTES
April 4, 2012**

The Township of West Orange Planning Board held a regular meeting on April 4, 2012 at 8:00 P.M., in Council Chambers, 66 Main Street.

Chairman Bagoff 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 4, 2012 in accordance with the requirements of the "Open Public Meetings Act".

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

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

ABSENT: William Wilkes II

ALSO PRESENT: Susan Borg, Planning Director
Leonard Lepore, Engineering Director
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, Ron Weston, William Wilkes.

ADOPT MINUTES

The minutes of the March 7, 2011 Planning Board meeting were unanimously adopted.

ANNOUNCEMENTS

The next regular Planning Board meeting will be held on May 2, 2012 in Council Chambers at 8:00 P.M.

SWEARING IN

Director Borg was sworn in.

Director Lepore was sworn in.

RESOLUTIONS

PB-12-01T/449 West Orange, LLC

Block: 157; Lot(s): 8.01, 8.05; Zone: B-2

449 Mount Pleasant Avenue

Technical Site Plan for Medical Offices.

Carried from the March 7, 2012 meeting.

DISCUSSION

Chairman Bagoff announced the Application and requested Mr. Weston address the Board regarding its status.

Mr. Weston described the Application timeline. The Application was previously approved at the February 9, 2012 Technical Review Subcommittee meeting, but due to questions raised by the Board at the March 7, 2012 public meeting, it was decided and agreed that the Applicant needed to submit revised plans to the Technical Review Committee at their next meeting on March 15, 2012. Mr. Weston stated the revised plans satisfied the questions from the public meeting; the Application was now compliant.

Mr. Gurland stated that he attended the Technical Review meeting. He agreed the Application was compliant, but stated that in his opinion the drawings were schematic.

Director Borg read the conditions listed on the proposed Resolution:

Director Borg read the conditions listed on the proposed Resolution:

- (1) The driveway apron shall be replaced and reconstructed;
- (2) The parking lot shall be resurfaced or patched and the parking spaces shall be re-striped;
- (3) The grass-strip along Route 10 and the parking lot shall have low vegetation plantings;
- (4) The dumpster and recycling area shall be screened by fencing;
- (5) Broken windows in the rear of the building shall be replaced and damaged storm window guards shall be replaced;
- (6) There shall be plantings along the rear wooden fence area to the west of the property;
- (7) The drop-off on the west side of the property shall have a railing or hedges;
- (8) The existing building mounted light fixtures shall be replaced by shoe-box type light fixtures and shall be shielded so as not to shine onto adjacent properties;

- (9) The canopy elevation shall be of sufficient height to allow emergency vehicle access;
- (10) The HVAC apparatus shall be relocated to the westerly side of the building and shall be screened by slatted fencing;
- (11) Trees shall be trimmed from the bottom; and
- (12) “Do Not Enter” and “Exit Only” signs shall be mounted on a canopy post as shown on plans.
- (13) Basement shall be used for storage only.
- (14) Applicant shall provide an area tabulation of the square footage of all levels.
- (15) New stairway to be enclosed shall have direct egress to exterior.
- (16) A Site Lighting Plan shall be approved prior to the final Plans being signed.

The Board had no questions or comments.

Chairman Bagoff called for a vote on the resolution.

The Board voted on the resolution as follows:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

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

PB-12-05T/Rock Spring Club

Block: 46.01; Lots: 22 through 33

Block: 160; Lots: 2 & 10

Block: 160.01; Lots: 30 & 34

Zone: R-1

90 Rock Spring Road

Technical Site Plan for addition to an existing poolside snack bar kitchen and patio improvements.

DISCUSSION

Chairman Bagoff announced the Application and requested Mr. Weston address the Board regarding its status.

Mr. Weston gave a brief description of the Application. He advised the Board the Application had been approved with conditions at the March 15, 2012 Technical Review Subcommittee meeting.

Director Borg read the conditions listed on the proposed Resolution:

1. All plans for renovations to the kitchen must be approved by the West Orange Health Department.
2. All alternations/renovations shall comply with the barrier free sub code including a 36" width segment of the poolside snack bar counter.

Councilwoman McCartney said the Technical Review Committee had requested an additional condition regarding drainage issue. Director Lepore said the drainage patterns that have been in place for thirty years would remain the same.

Chairman Bagoff stated that an additional condition be added to the Resolution requesting the Applicant maintain the current established drainage patterns in the Club's parking lot.

The Board had no further questions or comments.

Chairman Bagoff called for a vote on the resolution.

The Board voted on the resolution as follows:

Motion: Chairman Bagoff

Second: Mr. Ghebremicael

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

PB-12-06T/S & L Opticians, Inc. d/b/a Pearle Vision

Block: 155.21; Lot: 40; Zone: P-C
 495 Prospect Avenue, Essex Green Shopping Center
 Technical Site Plan for interior renovations.

Chairman Bagoff announced the Application and requested Mr. Weston address the Board regarding its status.

Mr. Weston gave a brief description of the Application. He advised the Board the Application was for interior refurbishment only of existing Pearle Vision store. The Application had been approved with no conditions imposed at the March 15, 2012 Technical Review Subcommittee meeting.

The Board had no questions or comments.

Chairman Bagoff called for a vote on the resolution.

The Board voted on the resolution as follows:

Motion: Chairman Bagoff

Second: Vice Chairman Heller

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

APPLICATION

PB-12-04/7-Eleven Inc.

Block: 10; Lot: 19; Zone: B-1
 516 Valley Road

Preliminary and final site plan with bulk variances and soil removal permit for a new retail convenience store.

EXHIBITS

- A-1:** Affidavit of Notice
- A-2:** Site Plan – Revised 2/17/12
- A-3:** Sheet RB1 - Review Board-Floor Plan and Sheet RB2 – Review Board-Exterior Elevations
- A-4:** Traffic Impact Analysis – Staigar & Peregoy, LLC
- A-5:** Planning Report – Robert P. Freud, PE, PP. - InSite Engineering
- A-6:** Board RB3 – Review Board Perspective-Proposed Building Design-Exterior Perspective 3/29/12
- A-7:** Aerial Exhibit Board 4/4/12
- A-8:** Preliminary and Final Major Site Plan Rendering - Revised 3/27/12
- A-9:** Sheet RB4 – Sight Line Sections – 3/29/12
- A-10:** Truck Turning Plan – 4/4/12

DISCUSSION

Antimo A. Del Vecchio, Esq. Beattie Padovano, LLC was sworn in. Mr. Del Vecchio introduced himself as the attorney representing the Applicant, 7-Eleven, Inc. Mr. Del Vecchio said the Application was for property located on the northeast corner of the intersection of Valley Road and Central Avenue, the Applicant proposes to demolish the existing site and build a new 2,684 square foot one-story convenience store with associated parking, lighting and landscaping. The Application includes three distinct variances for impervious coverage, front yard parking and freestanding sign.

Mr. Del Vecchio introduced his first witness, Robert P. Freud, PE, PP, InSite Engineering, LLC. Mr. Freud was sworn in and stated his credentials. Mr. Freud was accepted as an expert witness as both engineer and planner.

Referring to Exhibit A-7 – Aerial photo of the property, Mr. Freud described the property as a mixed community consisting of residential and commercial properties. Mr. Freud said the area to the east in the City of Orange is more industrial. Describing the current property, Mr. Freud said it was mostly impervious coverage with no vegetation.

Mr. Freud referred to Exhibit A-8, which he said showed the same orientation as Exhibit A-7. This rendering was a combination of the proposed site plan and landscaping plan. The proposed plan pushes the new property back to the north property line and will have a nicely defined corner with significant landscaping. All gas pumps will be removed; there will be fourteen parking spaces. The property will have driveway access from both Central Avenue and Valley Road. On the Central Avenue side, one existing driveway would be eliminated – essentially taking a space that is entirely paved and returning it to lawn area. At both entrances, thirty feet throat driveways are proposed. A white vinyl fence would be installed around the rear perimeter of the property with varying heights from four to six feet. The loading and trash areas would be located on the right side of the building. Mr. Freud said that standard loading operations for 7-Eleven stores were defined by consolidated deliveries once or twice a week during off-peak hours. All deliveries come through the front door. The secondary door shown on the plans is for fire egress only. All delivery vehicles will enter on

Valley Road and exit on Central Avenue. Independent vendors using smaller vehicles, i.e. Frito Lay, would make additional deliveries.

Mr. Freud said the position of the building to the rear of the property was a safety enhancement for customers. All parking spaces were positioned adjacent to the building, making it convenient, safe and easy for the customer. Customers do not have to walk through a parking lot to enter the building. Mr. Freud said that the Applicant will replace all curbs and sidewalks where needed. Currently, a brick ribbon along the curb was installed; the applicant would keep the sidewalk aligned and integrate the current streetscape pattern. The six feet wide sidewalk along the front of the store will also integrate the current streetscape pattern.

Mr. Freud described the Applicant's lighting plan. He said 7-Eleven has a strong "green initiative"; the Applicant will use LED fixtures with downward focus and no glare. The green colored canopies will have LED fixtures.

Referring to Exhibit A-8- Preliminary and Final Major Site Plan Rendering – Mr. Freud discussed the exterior lot improvements. Existing pavement would be removed, returning a good portion to green space. The current condition has a gentle grade; the new patterns will mimic the current flow. Trench drainage would be installed.

Mr. Freud described the proposed freestanding sign, explaining there was an existing freestanding sign on the property located at a 45-degree angle at the intersection of Central Avenue and Valley Road. The existing sign would be removed and replaced with a new sign in the same location with new landscaping around the base of the structure.

Mr. Freud told the Board he believed the proposed plan would allow the business to operate in a safe manner and create a significant improvement to the area, all within zoning requirements. The impervious coverage will be in greater compliance than the current state; the four corners of the property would return to green area; the front yard parking variance creates better planning and enhances safety. The new sign would be a significant esthetic improvement.

Mr. Freud concluded his testimony.

Chairman Bagoff asked the Board if there were any questions for Mr. Freud.

Mr. Eben asked about back-up parking requirements; would there be enough space for cars to safely back-up when exiting. Mr. Eben said he was concerned with the white vinyl fence material and asked if the plan could be changed to use a more durable material. Mr. Eben asked if the height of the sign should be lowered to 14-feet to be more in scale with the building.

The Board discussed the height of the proposed sign. The current signage was allowed because a gas station was on the property. Director Borg listed examples of signage for other businesses in the area. The Board suggested the proposed sign should be more in keeping with the neighborhood; a monument sign would be better. Mr. Klein suggested that a monument sign with brick to match the façade of the building would be appropriate and still visible to passersby. Mr. Freud said he did not agree a monument sign would be a better

option.

Mr. Heller wanted to know if there were existing streetscape trees. Mr. Freud said the existing trees were in poor condition; the Township professionals' recommendation was to remove those existing and plant new trees.

Councilwoman McCartney commented the Applicant had presented a comprehensive plan. She said she was pleased with the changes to the impervious coverage to more green area. However, she thought the proposed freestanding sign was too large for the area. Additionally, she wanted to know the hours of operation.

Mr. Heller asked for an updated plant schedule with details including the types of plantings to be installed; he said the plan should be in keeping with the character of the neighborhood. Mr. Heller wanted to know if there was the possibility for more impervious coverage revision.

Mr. Weston said there had been no discussion of environmental issues. Mr. Del Vecchio said that 7-Eleven does not take control of a property until it has cleaned up by the property owner; all necessary permits would be submitted. Mr. Weston asked if the Applicant would be seeking LEED registration, as encouraged by the Master Plan. Mr. Freud said 7-Eleven does not necessarily seek the certification.

Mr. Gurland asked if the front door entrance was mechanically operated; how would a person in a wheelchair enter the building. Mr. Freud said questions regarding the building should be referred to the Applicant's architect. Mr. Freud described the handicap parking space located adjacent to the loading area.

The Board and Mr. Freud discussed trench drainage plan.

The Board and Mr. Freud discussed the schedule for garbage pick-up, truck deliveries and the truck path plan.

There were no further questions from the Board.

Director Lepore and Mr. Freud discussed the location of fence on the rear of property; how the use of the adjacent property might affect the maintenance of the fence. The adjacent property was now used for car parking and storage.

Director Borg had no questions for Mr. Freud.

The Public Advocate had no questions for Mr. Freud.

Chairman Bagoff asked members of the Public if they had questions for Mr. Freud.

Joseph Iatarola, 5 Ora Court, East Hanover, was sworn in. Mr. Iatarola said he was the owner of the adjacent property on Valley Road. His said he was concerned with the proposed solid fence material and customers parking on his property. Mr. Freud said the fence would start 18 feet from the curb - it would be 4 feet in height in that area, then 6 feet in height behind the store. Mr. Del Vecchio said the Applicant would agree to revision that

would leave a portion of the existing chain-link fence and mix it with new fencing.

Belony Guard, 9 Wilfred Street, Montclair, was sworn in. Mr. Guard identified himself as the current tenant of the property. Mr. Guard wanted to know when the new store would be built. Mr. De Vecchio said no date has yet been determined.

Elizabeth Husarra, 14 Frances Road, Lincoln Park, was sworn in. Ms. Husarra identified herself as the leasing agent for the property located at 2 Central Avenue. Ms. Husarra said that she did not understand why this Application was allowed because the Applicant had no ties to the community and would negatively affect long-standing businesses in the area. Mr. Del Vecchio objected to Ms. Husarra commenting because she was not the property owner.

Chairman Bagoff explained the Application procedure to Ms. Husarra. He said that the law allowed any Applicant to meet before the Planning Board; in this instance, the Applicant was the 7-Eleven Corporation.

The Public had no further questions for Mr. Freud.

Thomas Heigle, AIA, Harrison French & Associates, Ltd., was sworn in, stated his credentials; and accepted to be an expert witness in the field of architectural design.

Before Mr. Heigle presented his testimony, Mr. Eben stated the architect's Title Block must be in accordance with the Statutes and Regulations of the NJ Board of Architect law 13:27-6.7. Chairman Bagoff said the final plans must have the correction. Mr. Del Vecchio said the error was duly noted and would be corrected.

Mr. Heigle described the proposed building structure and materials. The exterior would be red buff brick, the actual color shade was truer in the color rendering on Exhibit A-8. Mr. Heigle said the design of the building was similar to look of the newer 7-Eleven stores. The design would have cornice crown molding painted beige; green fabric awnings with steel frame, beige sandstone base cements panels; continuous LED cove lighting at front and sides of building, and building signage would include harbinger sign above entrance and illuminated cabinet panel signs located above the right and left side of the entrance. Parapets would screen the mechanical units on the roof. The entrance door would not be power-operated; it was not an ADA requirement for this type of structure. Mr. Heigle concluded his testimony.

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

The Board and Mr. Heigle discussed the need for a canopy above fire exit door; whether green standards were considered in the design of the building; sustainability and heat island effect; what color was planned for the roof, Mr. Heller said the lighter the color, the better for the environment. Mr. Weston asked if the Applicant would consider a lighter roof color as a condition of approval. Mr. Del Vecchio said it would be considered if it would not be a significant cost factor. The Board and Mr. Heigle discussed clarification of the exterior materials to be used in construction of the building, and the height of the building.

Director Lepore, Director Borg, the Public Advocate, and members of the Public had no questions for Mr. Heigle.

Chairman Bagoff called for a brief recess at approximately 9:48 P.M. The meeting reconvened at approximately 9:56 P.M.

Craig W. Perego, PE, Staigar & Perego, was sworn in, stated his credentials; and accepted to be an expert witness in the field of traffic impact analysis.

Mr. Perego said he had prepared the traffic impact study for the Applicant. He described the traffic at Valley Road and Central Avenue. He discussed the peak commuter hours were between 7:00 A.M. – 9:00 A.M. and 4:00 P.M. – 6:00 P.M. Mr. Perego said the intersection of Valley and Central was classified to be level of service type “C”. The key thing to note was that most traffic in that area was “pass by” traffic. Daily commuters were already passing by the area. Mr. Perego said the proposed 7-Eleven would have minor traffic impact to the area; the current gas station on the site already had similar “pass by” traffic. Mr. Perego said the Applicant proposed two standard properly designed driveways, one on Valley Road and one on Central Avenue, an improvement over the current condition of the site. Mr. Perego said the new driveways would be located as far from the adjacent traffic signals as possible. The new driveway would provide two-way circulation access to the parking area by means of a minimum 24-foot wide isle. The parking spaces would be 9-foot wide by 20-foot deep, with fourteen spaces including one handicap accessible space. Mr. Perego said the proposed freestanding sign would be a better plan than a monument installation; he stated that a monument sign at the corner would not be seen by passer-bys. Mr. Perego concluded his testimony.

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

The Board asked Mr. Perego for details regarding the queuing of traffic along Central Avenue in front of the proposed driveway. Mr. Perego said the proposed driveway is farther back than the current one; typically the queues would not reach that far back to block the driveway. The Board and Mr. Perego discussed 24 feet back up space, and the location of the three parking spaces on the north side of the parking lot. Additionally, the Board, Director Lepore, Director Borg and Mr. Perego discussed traffic flow during peak hours, the number of proposed parking spaces, the height of the freestanding sign, and what would be the best and safest plan. The Board had no further questions for Mr. Perego.

The Public Advocate had no questions for Mr. Perego.

Chairman Bagoff asked members of the Public if they had questions for Mr. Perego. Mr. Iatarola asked if a no parking zone could be created on Valley Road between the two businesses. The Board advised that the Township Council was the governing body regarding parking.

The Public had no further questions for Mr. Perego.

Chairman Bagoff asked if the Board had any further questions for the witnesses.

The Board and the Applicant discussed roof-runoff sheet flow; the landscaping maintenance and sprinkler system; truck deliveries; and the freestanding sign.

Mr. Del Vecchio requested the Board allow him to present his summation after final Public comment.

Chairman Bagoff asked the members of the Public if they had any comments.

Ms. Harsh Patel, 5 Rustic Court, Monroe Township, was sworn in. Ms. Patel identified herself as the tenant operating the Krauszer market at 2 Central Avenue. Ms. Patel said she was concerned that the 7-Eleven would hurt the area; a 24-hour business would create more crime. The 7-Eleven would hurt small business owners and the Board should consider hurting a business that has been operating in the community for thirteen years.

Mr. Del Vecchio presented his summation to the Board. He said 516 Valley Road was an interesting location; it exists at a very busy intersection, currently use was a garage and filling station. 7-Eleven was looking to make a sizable investment in the community; the plan was an improvement over the current use. 7-Eleven market demographics indicate from a business model, that this was a good site. He gave a recap of the positive aspects of the Application. It was the intention of 7-Eleven to be a good neighbor, to work with the Board and the community and to be a good neighbor.

Chairman Bagoff said the Board would discuss each issue before voting on the Application.

The Board was polled on each requested variance:

1. The variances for impervious lot coverage was approved;
2. the variance for front yard parking was approved
3. the variance for free-standing sign was denied;

The Board was polled; and approved the following conditions:

1. Applicant shall raise the ground level of the landscaping being installed near the street intersection at the southwest corner of the property subject to the review and approval of the Planning Director;
2. the perimeter fence shown on the plans shall be wooden board on board and its final design shall be subject to the review and approval of the Planning Director;
3. the existing chain link fence along the northern boundary of the property from its westernmost point to the nearest corner of the proposed building shall remain and shall not be replaced with new fencing;
4. the northernmost parking stall on the Valley Road side of the premises and the easternmost parking stall on the Central Avenue side of the property shall be for employee use and shall be marked with cross-hatched striping to indicate same all subject to the review and approval of the Planning Director;
5. Applicant shall provide the Planning Director with a LEED scorecard indicating the extent to which Applicant has employed "green" and sustainable development techniques in developing the site;
6. Applicant to correct the title block on its architectural plans to comply with New Jersey requirements;
7. Applicant to use lighter shaded building materials in the roof of the building;
8. the freestanding sign shall be no larger than 30 sq. ft. in size and shall be located at a height to be subject to the review and approval of the Planning Director; and

Applicant may install two 3 sq. ft. ground signs at the driveway entrances in size and location to be subject to the approval of the Planning Director;

9. Applicant to install a canopy over the second doorway / fire exit into the proposed building that shall be similar in size, shape and material as the one indicated in the plans over the other doorway.

Additionally, the request for soil removal permit was approved.

Mr. Dwyer recommended the Board vote on the Application as presented. The Applicant agreed to pre-submit the revised plans to the Technical Review Committee meeting on April 19, 2012.

The Board had no further questions or comments.

Chairman Bagoff called for a vote on the Application.

The Board voted on the Application as follows:

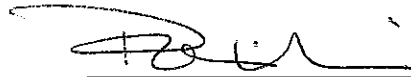
Motion: Chairman Bagoff

Second: Mr. Ghebremicael

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

MEETING ADJOURNED at approximately 11:26 P.M.

Minutes adopted May 2, 2012



Robin Miller, Planning Board Secretary

****THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
JUNE 6, 2012 AT 8:00 P.M. IN COUNCIL CHAMBERS ****