

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MINUTES
July 2, 2014**

The Township of West Orange Planning Board held a regular meeting on July 2, 2014 at 7:30 P.M. in Council Chambers, 66 Main Street, West Orange, New Jersey.

Vice Chairman Weston called the meeting to order at approximately 7:30 P.M. It was announced that notification of this meeting was given to the Township Clerk, and posted on the Township Bulletin Board on November 21, 2013 in accordance with the requirements of the "Open Public Meetings Act".

PRESENT: Robert Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Gerald Gurland, Council President Susan McCartney, Vice Chairman Ron Weston

ABSENT: Chairman Ben Heller, Lee Klein, Jason Lester, William Wilkes II

ALSO PRESENT: Paul Grygiel, AICP, PP, Acting Township Planner, Frank Russo, PE, Omland Engineering, Patrick J. Dwyer, Esq., Board Attorney, Robin Miller, Board Secretary, Debbie Dillon, Audio-Digital Transcription Service

PLEDGE OF ALLEGIANCE

Vice Chairman Weston requested all persons stand for the Pledge of Allegiance.

ROLL CALL

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

ANNOUNCEMENTS

The next Planning Board regular meeting will be held on **August 6, 2014** in Council Chambers at 7:30 P.M.

Vice Chairman Weston announced that Mayor Parisi had reappointed the following Planning Board members to the interim term July 1, 2014 to December 31, 2014: Ms. Joanne Carlucci, Mr. Jerry Eben and Mr. Jason Lester.

ADOPT MINUTES

The minutes of the May 7, 2014 Planning Board meetings were unanimously adopted.

SWEARING IN

Paul Grygiel, AICP, PP, Acting Township Planner
Frank Russo, PE, PP, Consulting Engineer

RESOLUTIONS

Amendment to the Rules and Procedures of the Planning Board of the Township of West Orange

Vice Chairman Weston advised the Board the amendment was to change its annual reorganization date so that it occurs at the same time as the Township Council’s reorganization.

The Board voted on the Resolution as follows:

Motion: Vice Chairman Weston

Second: Dr. Bagoff

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

PB-14-04/Essex County Country Club

Block: 156; Lot: 1; Zone: R-2
350 Mt. Pleasant Avenue
Preliminary and Final Site Plan with “C” variances.

DISCUSSION

None.

The Board voted on the Resolution as follows:

Motion: Dr. Bagoff

Second: Mr. Eben

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

PB-14-08C/County of Essex-South Mountain Recreation Complex

Block: 163; Lot: 13; Zone: R-1
560 Northfield Avenue
Courtesy Review Application to construct a 5-Level Parking Deck.

DISCUSSION

None.

The Board voted on the Resolution as follows:

Motion: Dr. Bagoff

Second: Council President McCartney

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

PB-14-09T/Seo Myung Ja d/b/a Valley Cleaners

Block: 2.01; Lot: 11; Zone: B-1

156 South Valley Road

Technical Site Plan to lease retail space for drop-off dry cleaning and alterations.

DISCUSSION

Council President McCartney gave a brief recapitulation of the Application approved with the following conditions by the Technical Review Subcommittee on June 12, 2014: (a.) Applicant shall obtain all necessary building permits required for site improvements; architectural plans prepared by a licensed New Jersey architect to be submitted to Construction Official; (b.) There will be no customer parking in the rear of the property; (c.) There will be no storage of hazardous materials on site; (d.) Applicant to apply for sign permit; signage to be approved by the Zoning Official; (e.) Prior to issuance of Temporary or Final Certification of Occupancy/Approval, the Building Department shall confirm all building codes and safety codes are compliant; (f.) Before a Temporary or Final Certification of Occupancy/Approval can be issued, the Applicant shall execute and submit to the West Orange Zoning Official, an Affidavit of Compliance certifying that all conditions of approval agreed to by the Applicant and set forth herein have been fulfilled and satisfied; (g.) All findings of fact and conclusions of law set forth herein are deemed conditions that are binding on the Applicant.

Mr. Eben said a New Jersey licensed architect should have prepared the plans submitted as part of the Application; he said he did not believe the conditions of approval would be met. He said the building was in terrible condition and had been so for over twenty years; the building should be fixed. Vice Chairman Weston said the Board could bring to the attention of the Building Official the concern that there were safety and health issues that should be addressed. Vice Chairman Weston requested Mr. Dwyer draft an additional condition that prior to issuance of the CCO, the Building Department confirm that all building code and safety codes were compliant. Ms. Carlucci stated the Building Department did inspections before issuing a CCO; Vice Chairman Weston said the condition would reinforce the concern the Board had regarding the state of the building.

Mr. Gurland asked for clarification regarding the Building Department requirement that a New Jersey licensed architect would be submitting plans; Mr. Weston stated that it was a condition of approval that the plans would be prepared by a New Jersey licensed architect.

The Board voted on the Resolution as follows:

Motion: Vice Chairman Weston

Second: Dr. Bagoff

Bagoff: Yes	Carlucci: Yes	Eben: No	Ghebremicael: Yes
Gurland: No	Klein: Absent	Lester: Absent	McCartney: Yes
Weston: Yes	Wilkes: Absent	Heller: Absent	

APPLICATION

PB-14-06/AutoZone Northeast, Inc. Store No. 4744

Block: 60; Lots: 1.01 and 2.01; Zone: B-1

7 Main Street

Preliminary and Final Site Plan with Variances and Subdivision.

EXHIBITS

A-1: Site/Subdivision Plan (Drawing C1.0), prepared by Gregg E. Ursprung, P.E., Bergmann Associates dated January 16, 2014, revised June 27, 2014;

- A-2: Landscape Plan (Drawing L1.0) prepared by Gregg E. Ursprung, P.E., Bergmann Associates dated January 16, 2014, revised June 27, 2014;
- A-3: Exterior Elevations and Notes (Drawing A-2) prepared by Lew Ellis, dated January 14, 2014;
- A-4: Traffic Impact Assessment prepared by Gary W. Dean, P.E., P.P. and Elizabeth Dolan, P.E., Dolan & Dean Consulting Engineers, LLC dated July 1, 2014.

DISCUSSION

Frank DeVito, Esq. addressed the Board; he said he was the land use attorney for AutoZone in New Jersey; the Application was to build a store at 7 Main Street. The store would be approximately 7,381 square feet; he said he believed the required parking was for 30 to 36 spaces, however the configuration of the lot was unusual; there were some setback issues. Mr. DeVito said there were several issues raised at the Technical Review meeting (June 12, 2014) that had been addressed; there was a request to reduce the size of the free-standing sign to match the monument, which the Applicant had agreed to do; it was requested that there be better landscaping to protect the view from the church; the Applicant's revised plan would put landscaping on the top of the retaining wall. Mr. DeVito said the Application was in excess of the maximum lot coverage because they were obligated to deduct some of the steep slope.

Gregg E. Ursprung was sworn in; he said he was a New Jersey licensed professional engineer. Mr. Eben voiced concern that Mr. Ursprung's firm was not a New Jersey licensed architectural firm; Mr. Ursprung stated his firm was a New Jersey licensed architectural firm; however, he was not an architect, nor would he be testifying as one. He was a New Jersey licensed professional engineer. His firm was not the architect for the building; his firm had only done the site design. Mr. Eben advised Mr. Ursprung that his firm was in violation of the New Jersey Architects Title Block Law. Vice Chairman Weston stated that the Board accepted Mr. Ursprung to be a professional engineer and would testify in that capacity. Referring to Exhibit A-3, Mr. Eben said Mr. Ursprung did not prepare the drawing; he had a problem with Mr. Ursprung testifying to the elevations. Mr. DeVito opined that Mr. Ursprung was the project engineer; he was familiar with the plan, and could testify to it.

Referring to Exhibit A-1, Mr. Ursprung said the property was 1.15 acre parcel located along Main Street; the proposed building was 7,381 square feet; a total of 36 parking spaces were provided; the required number of parking spaces was 30; there were 11 spaces located in front of the store; 10 along the side; and 15 in the back; there would be a 10 ft. by 40 ft. loading space, which was the minimum required by Code. The number of employees would be a maximum of five to six; the hours of operation were Monday through Saturday 8:00 A.M. to 9:00 P.M., Sunday from 8:00 A.M. to 6:00 P.M. New water and sewer services would be provided to the building; they would be connected to the mains out in the municipals mains out to Main Street; all Township and County storm water management requirements would be met. The existing on-site impervious coverage with gravel was 0.08 acres; the proposed impervious coverage would be 0.69 acres; a reduction in impervious coverage. The storm water system would be connected on the adjacent parcel; there were two catch basins located in the parcel, both in the City of Orange. The Applicant would be connected in to the storm line that ran to the north; there would be no increase in the storm water runoff. Mr. Ursprung said the disturbed area was less than an acre; a NPDES (National Pollutant Discharge Elimination System) permit would not be required.

Landscaping had been increased along Main Street to include twenty-seven purple maiden grass, ten sea-green junipers and twenty-four catmint. A sidewalk would be added from the Main Street sidewalk,

across the landscaped area in the front; it would come up to the handicap isle and provide access to the building. In the rear parking area there would be a concrete curb. There would be landscaping added to the top of the retaining wall to help screen the views of the building; there would be substantial landscaping, arbor vitae and evergreen trees. Mr. Ursprung said he had reviewed both the Omland memorandum dated June 18, 2014 and the Township Planner's memorandum dated June 16, 2014; he said the Applicant would agree to the majority of comments; a few needed clarification. Regarding the building signage; the maximum area permitted was 96 square feet; the Applicant was proposing 116.74 square feet; the maximum height allowed was 2 feet; the Applicant proposed 3.3 feet. Regarding the freestanding sign; the Applicant was proposing to reduce the width of the sign from 10 feet to 6 feet; which was the same width as the base of the monument.

Council President McCartney said she was at the Technical Review Meeting (June 19, 2014), it was discussed that the building would be non-sprinkled; the Fire Official asked about the location of the fire hydrant; the paving of the parking lot up to the existing Karl's property was also discussed at Technical Review. Mr. Ursprung said he had visited the site and identified the location of the fire hydrant; it was right in front of the building; the lot would be paved up to the property.

Mr. Gurland said that the landscaping plan showed plantings along the east side of the project; Mr. Ursprung said the landscaping was increased along Main Street; he said the landscaping that was provided along the west side, facing the church was substantial and would provide very good screening of the proposed building. Mr. Gurland asked what type of trees would be planted and what was their size; Mr. Ursprung said there would be dark green arbor vitae, six to eight feet tall; also Atlantic White Cedar, six to eight feet tall.

Mr. Eben said the plan was for 36 parking spaces, but the requirement was for 30. He opined he would like to have the parking reduced and the landscaping increased; he suggested making a peninsula with two isles; he said it would put an island in the middle of the parking lot to separate the two buildings and create more landscaping. Mr. Ursprung said it would be possible to do, but he did not recommend it; approval from the City of Orange would be required; AutoZone wanted to keep all improvements within their own property. Mr. Eben opined it was one lot, one property; Mr. DeVito stated they were separate lots; the Karl's store and lot was located in the City of Orange. Mr. Eben stated AutoZone was not the property owner; just the Applicant with a land lease; but the property owner also owned the Orange property. Mr. DeVito said two separate entities owned the lots. Mr. Eben stated the new proposed AutoZone driveway entrance/exit was about 25 feet to the east of the existing Karl's driveway; he stated a variance would be needed; two driveways less than fifty feet apart were not permitted. Mr. DeVito said there might be cause for a variance except for in this case because the existing driveway was in a different municipality.

Mr. Gurland said he wanted to clarify for the benefit of Mr. Eben's question regarding property ownership, that it was discussed at the Technical Review meeting that there were two separate legal entities that owned the properties; however, the principal (owner) in each entity was the same person.

Vice Chairman Weston inquired if in order to have the drive isles function property had access from the adjacent property been addressed, was there an easement agreement; Mr. DeVito said the Applicant had contacted the adjacent property owner who had agreed to give AutoZone access across the property; he was in the process of obtaining written documentation. Vice Chairman Weston advised the easement documentation should be a condition of approval; Mr. DeVito agreed. Vice Chairman Weston stated that there were more variances requested than discussed; (1) the accessory use setback, (2) the minimum side yard, (3) the maximum lot coverage, and (4) the signage. He requested the Applicant

clarify for the Board all the requested variances. Vice Chairman Weston stated the project was located in the downtown district and was next to a historic property; Mr. DeVito said he had received input from the Downtown Alliance and the Historic Preservation Commission; some of the landscaping and parking modifications that had been made were the result of their comments.

Mr. Grygiel said he was concerned about the distance between the (two) driveways; Main Street was a County road; had the Applicant applied to the County for approval. Mr. DeVito said it was in the process of being approved by the County. Mr. Grygiel stated the County would have to weigh in on the access issue; he opined it was not an ideal situation. Mr. Grygiel asked for clarification regarding the street tree landscaping; Mr. DeVito said there were three existing street trees that would be replaced with three new street trees. Mr. Grygiel inquired if the Applicant had brought extra sets of plans for the Board to examine regarding the crosswalk and the changes in circulation; Mr. Ursprung said he did not have additional plans, only the Exhibit. Mr. Weston asked Mr. Grygiel if he wanted to hold any questions regarding clarification of the variances requested for the Applicant's Planner; Mr. DeVito said he could summarize the requested variances; (1) side yard buffer, (2) parking aisle, (3) façade sign and height, and freestanding width, and (4) disturbance of steep slope. He opined the other one might be for the two driveways but since it was a County road; the County would decide. Referring to his report (dated June 16, 2014), Mr. Grygiel said the list of requested variances also included the maximum lot coverage; and minimum off-street parking setback from the property line where five feet was required and zero feet was proposed; he stated that because the parking lots were adjacent to each other, it was a technical variance. Mr. Grygiel stated the variance for the maximum freestanding sign width was eliminated because the proposed sign had been reduced to meet the six feet requirement.

Ms. Carlucci stated the Police Department had issued a memo suggesting a surveillance camera and security lighting; Mr. DeVito said he had not seen the memo. Vice Chairman Weston said that since the Police Department brought up the issue, it could be included as a condition of approval; Mr. DeVito agreed.

Mr. Eben stated that within the past eight or nine months a retaining wall had been built on the site; he asked if the wall was to be taken down to construct the building; Mr. Ursprung said that a portion of the retaining wall had been recently built; it was a segmental wall that connected in to an existing wall; the plan included modifying the existing retaining wall. Mr. Eben stated the existing concrete wall was probably eighty or ninety years old; he said he had many questions for the architect regarding the building. Mr. DeVito said Mr. Ursprung had designed a hundred buildings for AutoZone; he should be allowed to answer questions on the architectural plans. Vice Chairman Weston stated that Mr. Ursprung could not testify as the architect; he opined that Mr. Ursprung could weigh in on the architectural exhibits for an engineering opinion only.

Referring to the Omland Engineering memorandum dated June 18, 2014; Mr. Russo asked Mr. Ursprung to identify the comments with which the Applicant took issue; Mr. Ursprung said comment #13 – the memo suggested connecting in to the existing sanitary sewer on the adjacent property; AutoZone preferred to have their own connection, not to rely on another party; the existing connection was a private sewer line. Mr. DeVito said the existing connection was in another City; the Applicant did not want to get involved with (the City of) Orange. Mr. Russo opined that regardless; AutoZone would need approval from the City of Orange; he said that from an engineering perspective it made more sense to provide a short gravity connection than to have to install a pump. Mr. Weston asked Mr. Russo if there was some other statutory requirement that would require the Applicant to get approval from the City of Orange; Mr. Russo said that AutoZone would be discharging storm water in to a system located in the City of Orange; so at some point the system would be connected to the public system in the City of

Orange. Mr. Russo said there is also the question of access, whether or not an amended site plan for the adjacent parcel in the City of Orange was required for the project. Mr. DeVito said the Applicant did not want to tie in to the Orange septic/sewer system; they wanted their own system. He was aware that the access might require approval from the City of Orange; the issue was being addressed; he opined it was a de minimus issue; Vice Chairman Weston requested Mr. Russo proceed. Mr. Russo said comment #7 regarding cleaning the existing pipe was common practice; if there was to be a new connection and new discharge of storm water; it was to make sure the pipes worked. Mr. Ursprung said all the runoff from the existing gravel parking lot drains into the existing catch basins; the plan would reduce the runoff going in to the storm system. Mr. Russo inquired if the runoff from the (existing) gravel parking lot had deposited gravel into the storm system; Mr. Ursprung said it was possible. Mr. Russo said that from a practical matter, to ensure the line was clear, should the pipe be cleaned; Mr. Ursprung said it was possible. In response to Mr. Russo's inquiry, Mr. Ursprung identified comment #22; one shade tree for every ten parking spaces were required in the parking lot. Mr. Ursprung opined it would be difficult to comply because of the layout of the site; he said the plan provided three shade trees at the back of the lot up to the retaining wall, and two more could be added for a total of five shade trees in lieu of the four that were required within the parking lot. Mr. Russo said the Applicant was providing more parking spaces than required; he opined it would be better to lose two parking spaces in the lot in order to meet the technical requirements of the Ordinance; Mr. Ursprung said AutoZone preferred to have more parking spaces, typically 35 to 40 for the size of the proposed store. Mr. Russo said that West Orange preferred more trees; it was the Ordinance; he opined that the proposed trees on the hill behind the store were not in the parking lot and should not be counted toward compliance with the Ordinance. Mr. Russo stated there were cross utility easements; Mr. Ursprung said they would be provided. Regarding comment #19, Mr. Russo asked Mr. Ursprung to discuss the area of pavement at the extreme northeast corner of the property; Mr. Ursprung said the area would be re-paved to replace parking area at that end of the parking lot. Referring to comment #21, Mr. Russo asked why three existing mature trees were to be removed; Mr. Ursprung said the trees were in poor condition with substantial roots that were breaking up the sidewalk. Mr. Russo asked if there would be testimony from a traffic engineer; was there a traffic report. Mr. DeVito said there was a traffic engineer present and a traffic report could be provided. Vice Chairman Weston advised Mr. DeVito it was customary to receive reports before testimony. Mr. Russo said he wanted Mr. Keller (Traffic Engineer, Omland Engineering), to review the traffic report and provide comment a later meeting; Vice Chairman Weston concurred.

Vice Chairman Weston asked if members of the Public had questions for Mr. Ursprung.

Megan Brill, Executive Director, West Orange Downtown Alliance, asked if the concrete retaining wall to be replaced would match the existing wall; Mr. Ursprung said as much as possible. Ms. Brill asked for clarification about the sidewalk that abutted Main Street and the location of the street shade trees; Mr. Ursprung said the sidewalk would remain the same size and the new trees would be located to the north side of the sidewalk. Ms. Brill asked what would be located in the area before the parking; Mr. Ursprung said there would be a drive isle, and a sidewalk that went across the landscaped area between the monument sign and the driveway.

The Public had no further questions for Mr. Ursprung.

Gary W. Dean, P.E., P.P., Dolan & Dean Consulting Engineers, LLC, was sworn in, stated his credentials, and was accepted by the Board to be an expert in traffic engineering. Mr. Dean said he had been involved with several different AutoZone applications throughout New Jersey. He said in terms of a Downtown B-1 Zone, AutoZone was at the low end of the scale in terms of traffic activity. During

weekday peak hours there was limited traffic; an AutoZone store of the (proposed) size would generate approximately twenty-two vehicles; one car every three minutes; on Saturdays they were about twice as busy, generating approximately forty-two vehicles per hour. Mr. Dean said he had conducted traffic counts during the past week; he described the current driveway conditions and vehicle access to the site; he said that during the peak evening hour there was approximately thirty-eight vehicles entering and exiting; on Saturday the number was approximately twenty-nine. Mr. Dean said that if a second driveway was relocated further west, it would be closer to the traffic signal at Northfield Avenue; traffic would back up at the light. He said if the driveway was further east, it would create a zigzag pattern that would be hard for vehicles to navigate. He opined that a driveway located at the far easterly end would create a corridor leading to the northern end or rear of the property; it would be a superior design. Mr. Dean said he had performed traffic counts along Main Street during weekday evenings and on Saturday; there were approximately four hundred vehicles per hour. He opined the area was not overly busy; however, when the light turned red on Main Street, it created a stacking of vehicles, but since it was not overly busy, once the light turned green, the traffic moved quickly. Mr. Dean opined there would be approximately eight cars in the AutoZone parking lot at any one time, maybe twelve on a busy Saturday. He stated a delivery zone was proposed on the northerly end of the building that would allow access to the refuse enclosure at the rear of the site and would also be the delivery area, away from pedestrians and customer vehicle circulation. Mr. Dean opined that subject to County review, he believed access to the site was safe and efficient; there were good sight lines looking east and west on Main Street; the proposed landscaping was low level; it would not interfere with visibility. He said the plan was an appropriate use of the site.

Mr. Weston said that before the Board questioned Mr. Dean, he requested the Traffic Report be formally submitted to the Planning Department as part of the Application. Mr. DeVito requested the Traffic Report be marked as Exhibit A-4; Mr. Dean confirmed the report was a written summary of his testimony. Vice Chairman Weston stated the Board would have the Township's Traffic Engineer review the report further, but since Mr. Dean had testified, the Board could ask questions.

Mr. Ghebremicael stated that his office was a few blocks from the site; during rush hour, the traffic backed way up; it was very heavy. He asked if Mr. Dean had checked the counts between 4:30 P.M. to 6:00 P.M. Mr. Dean confirmed he had looked at the evening rush hour and had specifically monitored when the site driveway would be blocked.

Council President McCartney stated that Mr. Dean had already answered her question regarding moving the driveways, she asked for clarification regarding his evaluation of traffic movement during peaks; Mr. Dean described the design standard and the traffic flow.

Vice Chairman Weston asked if approximately four parking spaces were removed in order to meet the minimum tree requirement, would it still adequately serve the traffic needs of AutoZone. Mr. Dean said in terms of total parking count, it would be adequate, however, if the desire was to put the trees closest to the store entrance, it would not be customer convenient. Regarding the area of the traffic signal at Northfield Avenue and Main Street, Vice Chairman Weston asked Mr. Dean to identify the level of service that currently existed, and what was projected. Mr. Dean said he did not study the intersection, he studied the movements along the site frontage and the operation of the two site driveways; he said it was a projected level of service "B" during both peak hours. Mr. Dean said that he did not study the intersection; he detailed the traffic movements and operations from the two site driveways in relation to the intersection; he opined the movements would be safe and efficient.

Mr. Eben stated the proposed driveway, next to the existing driveway made the bus shelter an island; he asked if the proposed driveway could be eliminated and just use the existing driveway. Mr. Dean said he was not sure how that would work legally; he was not aware of a site in any municipality that did not have access; the existing driveway was in the City of Orange. Mr. Eben said he was concerned about making the left turn in to the site; Mr. Dean said he observed the traffic making the left in to the site at rush hour there were fifteen vehicles turning right, five vehicles turning left; he said it was already being done safely. Mr. Eben stated there was a considerable amount of truck traffic on the site; he asked if Mr. Dean had looked at the truck traffic. Mr. Dean said he had observed the trucks; he assumed they were usually there at night making deliveries to Karl's. He said there was a very wide unused area that would still allow access to and from the AutoZone spaces. He opined that once easement documents were defined for AutoZone; the trucks that currently parked in the area would no longer do so.

Mr. Grygiel asked if there were there any statistics to determine if there was less anticipated parking demand in a more urban or downtown setting where there was a mixture of uses, and access to public transportation was available. Mr. Dean said he was unaware of any statistics; he opined that an AutoZone customer would not usually be utilizing public transportation; most customers would be using a vehicle to reach the site. Mr. Dean opined the parking was in excess of what was necessary; two or three spaces could be eliminated. Mr. Grygiel asked if AutoZone customers would have the ability to park in the Karl's lot or would that not be permitted; Mr. Dean said the parking lots had artificial boundaries, they appeared to be a unified lot; customers would park in available spaces; he said he did not know if the lease agreement would prohibit or necessitate signage; he opined that signage was customer unfriendly. Mr. Grygiel opined that shared parking was a good concept promoted in that area of West Orange.

Mr. Russo said he wanted to reserve right to ask questions until after the traffic report had been reviewed, did have a couple of quick questions. He asked when the queue from the signal backed up, did it extend across both of the existing driveways, or just the driveway in West Orange; he stated there was mention of other uses that currently existed on the site that would be eliminated; what were those uses. Mr. Dean said the queue extended across both driveways; he said that currently a car service had an arrangement with the property owner, but would not be in effect when AutoZone took occupancy.

Mr. Dwyer asked how many vehicles were stacked at the second driveway when the traffic light was red, and how frequently did it occur; Mr. Dean said eight to nine cars blocked the second driveway (easterly driveway); the stack occurred at almost every cycle.

Mr. Eben asked if AutoZone had a smaller store (prototype) that might better fit the size of the property; Mr. Dean said that when AutoZone first came to New Jersey it was easier and time efficient to existing smaller (box) buildings, the current prototype building size was approximately 7,400 square feet.

The Public had no questions for Mr. Dean.

Vice Chairman Weston announced a brief recess at approximately 9:29 P.M.; he reconvened the meeting at approximately 9:39 P.M.

Peter G. Steck, P.P., was sworn in, and accepted by the Board to be an expert in planning. Mr. Steck told the Board he had prepared a Planner's Report dated June 10, 2014; he described the site as 1.15 acres, consisting of two tax maps that were used (essentially) as one; the property was a very irregular L-shape with two frontages that surround the adjacent St. Mark's property. There was approximately 70% of hard surface covering the property; it was unstriped, there was unregulated parking used by some

trucks, a limousine service, and a number of other people used it for parking both related to Karl's and the gymnasium to the rear. He said the plan was to place a retail building to cover approximately 19% of the property; the proposed impervious coverage was 78%. He opined it was a tough retail area; he described the current uses including the church to the north and west around Main Street, Karl's to the east, and the buildings across Main Street; he said it was not a heavily retail environment. He opined that AutoZone had expertise in finding sites; they knew their business. He discussed Mr. Grygiel's list of variances. He said that the variance for the freestanding sign was eliminated. The Applicant was proposing impervious coverage of 78%; the west side yard had 16.4 feet; 75 feet was required when the property abutted a residential zone; the church was a historic structure in a residential zone. He opined the church was not likely to be used or torn down to be converted into a residential use; there was a 7-ft. buffer; a 20-ft. buffer was required. He said the revised plan included landscaping on the top of the retaining wall. He said the unusual shape of the property made the parking area difficult to conform, the parking isle would functionally have a 24-foot backup distance, there was an arrangement for a cross easement with the adjacent property. The Applicant was requesting a waiver for the environmental impact study because the property was already substantially impervious in coverage. The manmade steep slope would be disturbed; a portion of the concrete retaining wall would be removed. The proposed building signage required a variance for the height of the letters; because the building was set back, the Applicant wanted signage on each side. Mr. Steck opined the Applicant would be a good addition to the area that was not a strong retail area. He opined that to confine all zoning standards to the property, it would probably be unbuildable. He stated the Application could be approved without substantial detriment to the public good, the zone plan and Zoning Ordinance. The eastern portion of the property was already asphalt; it shared parking with the building to the east, both properties would operate better with a parking area with cross-fertilization. He opined the plan strengthened the goals of the Master Plan; the property had been vacant for a number of years, it would bring a national retailer to the Main Street corridor.

Vice Chairman Weston inquired if Mr. Steck was aware of St. Mark's Church historic significance; if from a planning standpoint; the historic structure was to be considered when developing the surrounding property; and if he thought it would be good planning to have a buffer from a significant historic site to a franchised commercial or retail building. Mr. Steck said the Township Master Plan and Zoning Ordinance identified the church as a historic structure; West Orange had not designated the surrounding area a historic corridor; he opined the proposed landscaping was good. Vice Chairman Weston asked if Mr. Steck thought AutoZone was a better use for the community than one (business) that was less intensive; Mr. Steck said the area was currently blank; the new retailer would organize the site, there would be formalized parking areas; he opined that a new building would show an investment in the area. Vice Chairman Weston stated there were pedestrian oriented retail spaces along Main Street; he inquired why the applicant's site was a difficult pedestrian area; why was it better to have the parking lot in front; would it be better if the building was smaller and parking lot arranged differently. Mr. Steck said the site was not located in a strip of retail areas, and the applicant's business was car oriented; the building was 19% of the coverage, where 60% was permitted by Code; he said the problem was the irregular shape of the lot. Vice Chairman Weston asked why would the freestanding sign be a benefit to the gateway of the Township, next to a historic property. Mr. Steck said the signage would look to be 100% confirming in square footage; the freestanding sign would be visible on Main Street in Orange; the building signage was integrated into the architecture of a strong national retailer.

Dr. Bagoff inquired if the Applicant would consider deviating from recognized AutoZone signage to conform to a better downtown look; Mr. Steck said he was not in a position to negotiate the signage.

Mr. Gurland inquired if the Applicant had more witnesses; Mr. DeVito said the Applicant's engineer who could talk about the appearance of the building. Mr. Gurland opined the Board should not continue hearing the application because there seemed to be much information that was missing. Vice Chairman Weston noted Mr. Gurland's concern; he said the Board should finish questioning Mr. Steck.

Mr. Eben asked if the Applicant would support the site; he stated that for the twenty-five years since the Condit House was demolished, the site had not been supported. Mr. DeVito said the Applicant was a national retailer that ran a clean operation and was welcomed in municipalities.

Mr. Grygiel asked if the Applicant was amending the Application to request a variance from Section 25-12.1P, regarding one tree for every ten parking spaces. He opined it would be useful for the Board to see the number of trees and their location on revised plans; Mr. Steck said the problem with the property was by putting trees in some locations of the parking lot, it would limit the ability to share the lot.

Mr. Russo asked what was the setback of the adjoining Karl's building from the curb line, the front property line; Mr. Steck said it appeared to be 25 feet from the street curb; he said the property line was not shown on the map but opined the setback from the property line was 15 feet. Mr. Russo asked Mr. Steck to show the location of the building sign; and if the building sign would be visible to the traveling public. Mr. Steck said the sign would be located in the center of the wall and would be visible to travelers. Mr. Russo stated the application required steep slope disturbance relief; he asked if there would be less or no relief required if the building was closer to Main Street; would it be more efficient to have a parking lot with more turnaround and closer to the building entrances; Mr. Steck said from a traffic standpoint it would not be a better layout.

The Public had no questions for Mr. Steck.

Vice Chairman Weston stated there was more information the Board needed to hear; he suggested the Applicant consent to carry the meeting to the August 6, 2014 regular meeting. He also requested the Downtown Alliance and the Historic Preservation Commission provide input at the next meeting. The Board requested the Applicant submit a modified plan showing revised parking, additional landscaping, signage rendering, diagram of the site, and building materials. Mr. DeVito agreed to continue to the August 6, 2014 meeting.

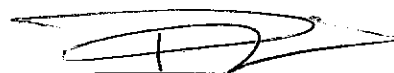
DISCUSSION

Technical Review Subcommittee Ordinance and Application Process
Carried from the May 7, 2014 regular meeting.

Vice Chairman Weston announce the discussion would be carried to a future meeting.

MEETING ADJOURNED at approximately 10:45 P.M.

Minutes adopted November 5, 2014



Robin Miller, Planning Board Secretary
Township of West Orange

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY DECEMBER 3, 2014 AT 7:30 P.M. IN COUNCIL CHAMBERS**