

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

The Township of West Orange Planning Board held a regular meeting on April 6, 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 Robert Bagoff, Joanne Carlucci, Jerome Eben, Tekeste Ghebremicael, Ben Heller, Susan McCartney and Chairman Ron Weston.

ABSENT: Gerald Gurland, Mr. Wilkes

ALSO PRESENT: 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 May 4, 2011 in Council Chambers at 8:00pm.

ADOPT MINUTES

The minutes of the March 2, 2011 Planning Board meeting were unanimously adopted.

DISCUSSION

Chairman Weston opened up the discussion regarding a Planning Board member sitting on the Open Space, Recreation and Environmental Committee. He stated that he thought it would be very helpful to have someone represent the Planning Board on the committee.

Councilwoman McCartney stated that the next Energy Commission meeting is on April 12th and that Ann Marchiano, a representative from the Association of the NJ Environmental Commission, will be there to speak to & discuss the duties & responsibilities of an Environmental Commission if WO chooses to reinstate one. All members of WO municipal land use boards have been invited to this meeting. The duties of the Open Space committee seem to overlap that of the Energy Commission in that Open Space is instrumental in acquiring sites & the Energy Commission in maintaining sustainable characteristics for sites. They decided to invite someone from the Planning Board to sit on the committee so that they could answer any questions they had about planning and also because the Planning Board is very familiar with all the projects in town.

Councilwoman McCartney also stated that the mayor was concerned about the fact of having another committee because there are too many committees now and attendance on some of the boards is low.

Chairman Weston stated that if they do establish an Environmental Commission they will be obligated, by law, to have a representative from Planning Board sit on this board.

Chairman Weston stated that if any Board member is interested, they should attend the Energy

Commissions next meeting on April 12th. Mr. Heller and Ms. Carlucci stated that they would be interested in attending this meeting.

Councilwoman McCartney also said the Sustainable NJ program requested information regarding diversity on the boards. Susan said she made a list of questions they wanted to ask and Vice Chairman Bagoff said that he thinks that those questions are not legal to ask. Chairman Weston recommended finding out about the legality of those questions.

RESOLUTIONS

PB-11-03C/Essex County Turtle Back Zoo
Block 163 Lot 13 Zone R-1
563 Northfield Avenue
Courtesy Review

Chairman Weston started by saying they do not want to get into long debates in emails, from now on, about resolutions. He said to submit the changes and they will bring it up at the meeting and discuss it there.

He stated that this resolution is to include that “the County must have a NJ licensed architect draw, sign and seal the final plans for the proposed rest room facilities”.

Mr. Gurland stated in an email that he wanted the wording changed to “The County must consult with a NJ licensed architect” but Vice Chairman Bagoff stated that in all resolutions the word “shall” is used and suggested they should continue to use that word. Chairman Weston agreed and said to change the word from “must” to “shall”. Vice Chairman Bagoff also found an error in the voting part of the resolution and Chairman Weston asked the Board secretary to make that correction.

Councilwoman McCartney stated that when the County came before the Board for the mini-golf course application they suggested that the way finding signage should be placed on the County Road approaching traffic instead of on-site. Chairman Weston stated there was discussion about the sign but they really didn’t get into it. Chairman Weston recommended changing the wording to read “That traffic signage be provided on the county road approaching the site and that way-finding signage be provided on the site”. He also suggested someone following up with Lenny about this.

Motion: Vice Chairman Bagoff

Second: Mr. Eben

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

Ordinance 2311-11 amending and supplementing chapter 25 section 51.1 of the general ordinances of The Township of West Orange entitled Application Procedures and Administrative Requirements Resolution

Chairman Weston asked if there were any comments or question regarding this resolution.

Councilwoman McCartney stated that the changes were to include providing a tree replacement plan along with the tree removal plan.

Motion: Councilwoman McCartney

Second: Ms. Carlucci

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

ORDINANCE IN REVIEW

#2315-11 an ordinance amending and supplementing Chapter 25-24.1(d) of the revised general ordinances of the Township of West Orange

Pat Dwyer stated that there are two concepts here in this ordinance. The policy always was to get rid of the structure right away, no matter what. The law now states it's the owners discretion what to do with the structure. Chairman Weston said the purpose of this is if there is a disaster and more then 50 percent of the structure is destroyed, they will allow the owner to put it back to its original form if so desired.

Jerry Eben stated that in the past you would have to go in front of the Board and they would grant you a variance due to hardship.

Mr. Eben questioned who determines what 50% of the total structure is as stated in Section 1 of this ordinance. Chairman Weston stated that the council should consider who will determine this; Susan Borg or Tom Tracy.

According to Vice Chairman Bagoff, the word "value" is not the right word that should be used when describing 50% of the total structure. He suggested making it easy and say "sq. footage instead of total". Chairman Weston noted that, the Board suggests, it should read "if more than fifty percent (50%) of the total sq. footage of the structure is removed... rather than 50% of the total value".

Chairman Weston also stated that Susan Borg's recommendations, which were adding the word pre-existing before non-conforming ... "Any pre-existing, nonconforming use or structure..." and removing the word "natural" in front of the word disaster where applicable, will also stay.

Chairman Weston asked if there were any other comments or questions.

Motion: Chairman Weston

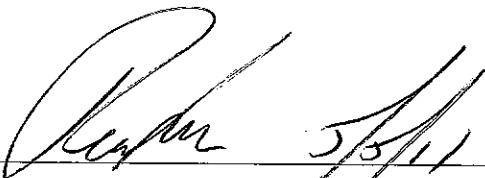
Second: Vice Chair Bagoff

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

Mr. Eben noted his recent observation that trees had been removed and soil disturbed at the Prospect Avenue PSE&G site, and he has reached out to the Planning and Engineering Directors to bring it to their attention. Chairman Weston stated that this matter was not under jurisdiction of the Planning Board; however, he had heard Assemblyman McKeon mention at a recent public forum that PSE&G was starting construction on a major upgrade to the power lines and substation in the West Orange and Livingston corridor.

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

MEETING ADJOURNED 8:41 pm.



5/5/11

 Rose DeSena, Planning Board Secretary