

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MINUTES
June 5, 2013**

The Township of West Orange Planning Board held a regular meeting on June 5, 2013 at 7:30 P.M. in Council Chambers, 66 Main Street, West Orange, New Jersey.

Chairman Bagoff called the meeting to order at approximately 7:32 P.M. It was announced that notification of this meeting was given to the Township Clerk, and posted on the Township Bulletin Board on December 6 2012, in accordance with the requirements of the "Open Public Meetings Act".

PRESENT: Chairman Bagoff, Joanne Carlucci, Jerome Eben (7:44 P.M.), Gerald Gurland, Vice Chairman Ben Heller, Lee Klein, Jason Lester, Councilwoman Susan McCartney (7:35 P.M.), Ron Weston, William Wilkes II

ABSENT: Tekeste Ghebremicael

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

ANNOUNCEMENTS

The next regular Planning Board meeting will be held on **July 9, 2013** at 7:30 P.M. in Council Chambers.

ADOPT MINUTES

Adopt the minutes of the May 1, 2013 Planning Board meeting.

The Board voted on adopting the minutes of the May 1, 2013 meeting as follows:

Motion: Mr. Gurland

Second: Ms. Carlucci

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

SWEARING IN OF PROFESSIONALS

Paul Grygiel, AICP, PP, Phillips Preiss Grygiel LLC, Acting Township Planner.

RESOLUTION(S)

PB-13-08/Dialysis Center of West Orange, LLC

Block: 164; Lot: 1.03; Zone: OB-2
101 Old Short Hills Road, Ste. 120
Amended Site Plan.

DISCUSSION:

Mr. Dwyer gave a recapitulation of the Application; he identified the variances required; and read the conditions for approval as listed in the Resolution.

Mr. Gurland asked for details regarding the proposed plants for screening around the diesel generator. Mr. Heller responded that there would be fourteen arborvitae approximately ten feet in height when installed; and would grow to a height of approximately fifteen feet when mature.

Mr. Eben voiced concern regarding landscaping maintenance at the site. He said that with regard to other properties, plantings used to screen equipment had not always been maintained; he thought that property owners would determine it was in their own best interest to properly maintain their property.

Chairman Bagoff asked Mr. Dwyer if the Resolution could be amended to include the wording "in perpetuity." Mr. Dwyer answered in the negative.

Mr. Gurland said he agreed the issue of the maintenance was a concern, he inquired if a new Resolution could be issued. Mr. Dwyer answered in the negative.

Councilwoman McCartney told the Board that at the May 9, 2013 Technical Review meeting, the Applicant and property owner did testify and agree to landscape and suitably maintain the property.

Chairman Bagoff said that Planning Board Resolutions (could) address issues such as sewer and landscaping maintenance; future Applicants for large buildings could come before the Board and the Board could address maintenance issues. With regard to this property, the Board could request the Zoning Official visit the site to ensure the landscaping was being maintained. Chairman Bagoff said (that) unfortunately the issue was not addressed for the current Application. He reiterated that the Board could request the Zoning Official visit the site, review prior resolutions, and determine if landscaping was being be maintained. The Board agreed that the Zoning Officer should visit the site to determine whether the property was being maintained.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

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

PB-13-10T/Suzyque's, LLC

Block: 4; Lot: 8; Zone: B-1

34 South Valley Road

Technical Site Plan for restaurant seasonal outdoor patio seating.

DISCUSSION

Chairman Bagoff gave a brief recapitulation of the Application for temporary outdoor patio seating that was approved by the Technical Review Subcommittee at the May 9, 2013 meeting.

Councilwoman McCartney advised the Board that she was quite surprised to see the Applicant come before the Technical Review Subcommittee. She said that the ZORC Committee should revisit the ordinance regarding Sidewalk Cafes.

Robert C. Williams, Esq., advised the Board he was the attorney for the Applicant. He said the Applicant had recently extended the business's liquor license with the Council; the Application was for nothing other than setting up a few temporary tables and seats outdoors; he suggested to the Board that the ordinance be revisited by the ZORC Committee.

Mr. Eben questioned how the Zoning Official had determined there was not a reduction in parking spaces; he said he had visited the site and was concerned that five existing parking spaces were being used for the temporary seating; he said the proximity of the outdoor seating to the parking lot might compromise the safety of customers. Mr. Lester said he had also been at the site and disagreed that the outdoor seating compromised five parking spaces. Chairman Bagoff opined that the maximum number of parking spaces required for the business had not increased; there was sufficient parking. Mr. Eben said that although he was concerned about the outdoor dining area, he was generally in favor of the improvement; the owner's positive attitude and the way she ran her business helped to create somewhat of an extension to the Valley Arts District along the West Orange and Orange border.

The Board voted on the Resolution as follows:

Motion: Chairman Bagoff

Second: Vice Chairman Heller

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

Chairman Bagoff announced a seven minute recess at 7:53 P.M.; he advised the Board that Applicant for PB-13-09/Bow and Arrow Manor, Incorporated had noticed for an 8:00 P.M. hearing. Chairman Bagoff reconvened the meeting at 8:00 P.M.

APPLICATION(S)

PB-13-09/Bow and Arrow Manor, Incorporated

Block: 151; Lot: 8; Zone: B-2

111 Prospect Avenue

Preliminary and Final Site Plan without variances (*) to add a second story addition and enclosed connector hall to the a la carte dining room.

EXHIBITS:

- A-1:** Boundary Survey, Zdravko Lucin, LS, ZL Land Surveying LLC;
- A-2:** Overall Plan (including overall shared parking), J. Michael Petry, PE, PP, RA, Petry Engineering, LLC dated 1/24/13;
- A-3:** Ala-Cart Dining Drop Off – Layout Sheet and Associated Details, J. Michael Petry, PE, PP, RA, Petry Engineering, LLC dated 1/24/13;
- A-4:** Grading Plan, J. Michael Petry, PE, PP, RA, Petry Engineering, LLC dated 1/24/13;
- A-5:** Lighting & Landscaping Plan, J. Michael Petry, PE, PP, RA, Petry Engineering, LLC dated 1/24/13;
- A-6:** Sheet No. A2-1.02, Second Floor Phase 2 Garden Room, W. Scott Winger, AIA, WSW Associates, dated 11/7/12;
- A-7:** Sheet No. A2-6.00, Elevations Phase 2, W. Scott Winger, AIA, WSW Associates, dated 5/6/13.
- A-8:** Color Rendering of Existing Elevation and Proposed Elevations with partial floor plans by Jesse J. Gardner Inc. dated 6/5/13 (3 sheets).

Robert C. Williams, Esq., attorney for Applicant, offered a brief overview of the Application for renovations including a roof top addition over an existing roof garden to replace catering space lost as a result of prior interior renovations including installation of an elevator. Additionally, the Applicant proposed to erect a connector space between the a la carte dining area and the existing carriage house, which would be converted to a reception/bar area to service the a la carte dining room. Mr. Williams advised the Board that subsequent to the filing of the Application; the Applicant had identified the need for a "C" variance for maximum impervious coverage; the impervious coverage increase would be 1.13%.

J. Michael Petry, PE, PP, RA, Petry Engineering, LLC, was sworn in, stated his credentials, and was accepted by the Board to be an expert in Planning and Engineering. Referring to Exhibit A-1, Mr. Petry gave an overview of property and location. Mr. Petry said the business had been in operation for sixty years; the last major renovation occurred in the mid-1990s. A cross-easement had been established and the overall occupancy capacity was restricted to 1,404. The establishment had three parking lots with a total of 434 parking spaces; the Ordinance required 435 spaces. The Application called for a slight increase in impervious coverage; the building coverage was currently 12.22% with 12.41% proposed, which was within the allowed 40%. The impervious coverage was currently 63.38% with 64.51% proposed, which as stated by Mr. Williams; made a total percentage increase of 1.13%. The property was currently undergoing renovations approved by the Technical Review Committee in December 2012. Mr. Petry said those renovations included the installation of a new elevator; the installation of the elevator resulted in the loss of two existing banquet areas; one on the first floor and the other on the second; the Carolina Room and the Minuet Room.

Referring to Exhibit A-2, Mr. Petry described the proposed renovations. The existing second story outdoor space would be partially enclosed to accommodate approximately 100 to 120 guests. The existing residential structure would be renovated to create a new reception area; and a new connector area would be erected. The intent was to create separate areas for the a la carte dining and banquet facilities. The renovation was part of continued upgrades to the facility. The miniscule change to impervious coverage would need a "C" variance; he reiterated it was not a significant increase. There would be continuation of the existing pavers; not asphalt; additionally, brick material would be used to coincide with the existing brick material already in place. Mr. Petry opined that the increase in impervious coverage was necessary to improve traffic circulation and create a more direct connection to the a la carte dining area; and create a more comprehensive appearance to the entire structure. Mr. Petry concluded his testimony.

Mr. Eben asked how guests would know where to park for the different dining areas; Mr. Petry said directional signage would indicate designated areas. Mr. Eben offered that he had visited the site and noticed an existing brick was damaged and in need of repair; Mr. Petry said any existing damaged spots would be repaired as part of the proposed project.

Councilwoman McCartney commented that the Applicant was already using "green" pavers; it was her opinion that the Applicant was proposing a nice plan.

There were no questions for Mr. Petry from the Public Advocate or the Public.

W. Scott Winger, AIA, WSW Associates, was sworn in, stated his credentials, and was accepted by the Board to be an expert in architecture. After an inquiry made by Mr. Eben, Mr. Winger confirmed he was a New Jersey licensed architect with a Certificate of Authorization as required by the State of New Jersey. Mr. Winger said he had worked with the Manor project for over a year; referring to Exhibit A-8, he described the projects elevations and the proposed building materials. He indicated that the overall architectural style of the facility was colonial; the interior was wood paneled; the renovations would be a continuation of the characteristics of the existing building. He said that as suggested by the Technical Review Committee; the warmth of brick would be brought to the second level. Mr. Winger highlighted the existing materials and the described how the proposed materials would similar to create a cohesive esthetic. The exterior would have a balanced front; the roof-top terrace would include a brick base; stucco would be continued; there would be a metal roof of an aged copper appeal; and brick-face facade with small metal overhang taking a cue from the existing trellis feature. The renovations while enlarging the structure, would be in scale with the existing facility. Mr. Winger concluded his testimony.

Referring to Exhibit A-8, Councilwoman McCartney opined that on the left side of structure, one more line of bricks was still needed to balance the façade. Mr. Winger said he— on left side you still need one more line of bricks. Mr. Winger said he appreciated the comment; he was currently studying the plan to see if more brick could be brought in to the structure.

Mr. Weston asked Mr. Winger to describe the type of stucco to be used; Mr. Winger said it would be synthetic. Mr. Weston said he was concerned about possible mildew.

There were no questions for Mr. Winger from the Public Advocate or the Public.

Mr. Eben opined it was a nice project.

Mr. Weston opined the renovation created positive improvements; the benefits outweighed any negative criteria.

Chairman Bagoff said the Manor was a stately building; a mainstay of the community.

The Board agreed the "C" variance was warranted under the circumstances.

Mr. Williams advised the Board that the Health Department and the Fire Code Official had indicated the Application met their requirements for approval.

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. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.
6. 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.
7. All conditions of all prior approvals remain in full force and effect except as modified herein.
8. Applicant to comply with all affordable housing obligations arising out of this approval.

Chairman Bagoff called for a vote on the Application.

The Board voted on the Application as follows:

Motion: Chairman Bagoff

Second: Councilwoman McCartney

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

DISCUSSION

Recommendation to Township Council regarding potential zoning changes to streamline standby generator installation. (Paul Grygiel, Patrick J. Dwyer, Esq.)

Mr. Grygiel said he had issued a new memo on May 23, 2013; however, the new memo had not been distributed to the entire Board for their review. Mr. Grygiel gave a brief recapitulation of the memo. Chairman Bagoff advised the Board that the memo would be distributed for their review prior to the next meeting; he then asked Mr. Grygiel what would be the next step. Mr. Grygiel said a Recommendation would need to be presented to the Board.

Chairman Bagoff requested Mr. Grygiel and Mr. Dwyer craft a Recommendation to be distributed to the Board for the July meeting. Chairman Bagoff asked Mr. Dwyer if there had been any movement from the State regarding requirements. Mr. Dwyer said that he was not aware of any changes. Mr. Eben asked who would be inspecting the generators to make sure they had been properly installed. Chairman Bagoff said that a set of rules and regulations had been provided by PSE&G to the Building Department for them to follow when inspecting the generators.

MEETING ADJOURNED at approximately 8:34 P.M.

Minutes adopted July 9, 2013



Robin Miller, Planning Board Secretary
Township of West Orange

****THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
AUGUST 7, 2013 AT 7:30 P.M. IN COUNCIL CHAMBERS****