

**TOWNSHIP OF WEST ORANGE
PLANNING BOARD
MEETING MINUTES
February 4, 2015**

The Township of West Orange Planning Board held a regular meeting on February 4, 2015 at 7:30 P.M. in Council Chambers, 66 Main Street, West Orange, New Jersey.

Chairman Heller 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 December 11, 2014 in accordance with the requirements of the "Open Public Meetings Act".

PRESENT: Chairman Ben Heller, Robert Bagoff, Joanne Carlucci, Gerald Gurland, Council President Susan McCartney, Vice Chairman Ron Weston

ABSENT: Jerome Eben, Tekeste Ghebremicael, Lee Klein, Jason Lester, William Wilkes II

ALSO PRESENT: Paul Grygiel, AICP, PP, Acting Township Planner (7:39 P.M.), Frank Russo, PE, PP, Omland Engineering, Township Consulting Engineer, Alice Beirne, Esq., Zoning Board of Adjustment Attorney for Patrick J. Dwyer, Esq., Board Attorney, Robin Miller, Board Secretary, Debbie Dillon, Audio-Digital Transcription Service

PLEDGE OF ALLEGIANCE

Chairman Heller 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 March 4, 2015 in Council Chambers at 7:30 P.M.

Per Applicant request, **Application PB-14-25/McKay Brothers, LLC** will be carried to the March 4, 2015 regular meeting.

SWEARING IN

Frank Russo, PE, PE, Omland Engineering, Township Consulting Engineer.
Paul Grygiel, AICP, PP, Acting Township Planner (7:39 P.M.)

RESOLUTION(S)

PB-14-26/Jersey Pizza, Inc.

Block: 17; Lot: 5; Zone: B-1
335 Valley Road
Jersey Pizza, Inc.
Preliminary and Final Site Plan with "C" Variance.

DISCUSSION

None.

The Board voted on the Resolution as follows:

Motion: Chairman Heller

Second: Councilwoman McCartney

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

APPLICATION(S)

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 major site plan and minor subdivision with "c" variances.
Carried from the July 2, 2014 regular meeting.

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.

Frank DeVito, Esq., attorney for Applicant addressed the Board; the Applicant wanted to go forward with the project; the Applicant had provided revised plans (revised through January 20, 2015), to the Board based on comments of the July 2, 2014 meeting; the entire project had been essentially redesigned.

Gregg E. Ursprung, P.E., Bergmann Associates, was sworn in, and accepted by the Board to be an expert in engineering. Referring to his letter to the Board dated January 22, 2015, (included in the submission of revised plans); Mr. Ursprung discussed changes to the site plan that included: (A) One parking space was removed from the west side of the parking area in front of the store and replaced with landscaping. (B) One parking space was eliminated in the parking area on the northern side of the store and converted into a landscaped island; this parking area had been

shifted to the west, closer to the existing retaining wall, as per the landlord's request and landscaping had been added between the parking lot and the wall. (C) Four shade trees had been added directly adjacent to the parking areas and to the landscaped island (described B). (D) Three street trees along Main Street changed from ornamental cherry to maple. (E) Design of the monument sign at the front of the store along Main Street had been reduced in length to coincide with the length of the base as requested by the Board. (F) The storm system had been redesigned to provide underground detention to limit the peak flow of stormwater into the existing storm sewer systems along Main Street and the adjacent property in the City of Orange. (G) The sanitary sewer service had been revised to eliminate the grinder pump and low pressure sewer line. The sanitary sewer line would be a gravity sewer line and would connect to the existing sanitary sewer line that ran adjacent to the Township boundary line. The line was owned and maintained by United Water.

Mr. DeVito advised the Board the Applicant had subsequently received comments from the Downtown West Orange Alliance (memo dated February 4, 2015) requesting the materials used for the building and monument signs be the same; he confirmed the Applicant agreed to comply with the request.

Mr. Ursprung continued his testimony; he gave a recapitulation of his response to the comments provide in the Omland Engineering Technical Review #1 memo, dated June 18, 2014 (Comments #1-#31).

Mr. Gurland asked if a separate landscape architect had prepared the landscaping plan; Mr. DeVito said the plan had been prepared by both the project architect and the engineer; not a separate landscape architect.

Chairman Heller inquired if the Applicant would be open to suggestions for changes to the proposed species in the landscaping plan as a condition of approval; Mr. Ursprung said he had no issue with suggested changes.

Vice Chairman Weston stated there was a small parcel of land behind the St. Mark's Church property that fronted Main Street; he asked if there were plans for landscaping improvements in that area. Mr. Ursprung indicated that the Applicant was a leasehold, not a contract purchaser, the Applicant had no control over that parcel of land and no improvements were proposed.

Mr. Gurland stated there was a retaining wall and a cluster of trees on the north side of the property behind St. Mark's Church; Mr. Ursprung indicated that was the adjacent property, not part of the Application.

Mr. Russo advised the Board that Mr. Ursprung had addressed all the concerns of the Omland memo dated June 18, 2014.

The Public Advocate had no questions for Mr. Ursprung.

Sarah Gaughan, AIA, Bergmann Associates, was sworn in, stated her credentials, and was accepted by the Board to be an expert in architecture. Referencing the AutoZone Color Elevation dated 5/21/14, and Color Elevation Sheet No. CE-1, dated 7/14/14, revised 1/21/15; Ms. Gaughan described the most recent revisions to the exterior elevations. The exterior base color changed

from grey to earth tones with beige; a smooth exterior surface block changed to textured block; new elements included vertical pilasters and shadow lines. Additional revisions included the areas of the parapet on the left and right side elevations; the parapets that were previously 19 feet had been raised to 21 feet; those that had been previously 21 feet had been raised to 23 feet; and a decorative cornice had been included on all elevations. The size of the building monument sign had been reduced.

In response to inquiry from Councilwoman McCartney, Ms. Gaughan confirmed the parapets would camouflage roof mechanicals. In response to inquiry from Dr. Bagoff, Ms. Gaughan confirmed the roofing material would be white to decrease the heat island effect. In response to inquiry from Vice Chairman Weston, Ms. Gaughan stated she did not believe a roof plan had been submitted; however, a white roof was a usual AutoZone design standard. Vice Chairman Weston asked Ms. Gaughan to clarify her professional association to the Applicant; he stated that Mr. Ellis was the architect whose title was on the original plans. Ms. Gaughan explained that Mr. Ellis worked for AutoZone; she worked for Bergmann Associates as a consultant to AutoZone. Ms. Gaughan stated that Mr. Ellis was a licensed architect in the State of New Jersey; she believed Mr. Ellis would be the architect of record. Vice Chairman Weston suggested a condition of approval include the final plans to be signed and sealed by a New Jersey licensed architect and have a proper title block; Mr. DeVito agreed.

Mr. Grygiel asked for clarification regarding the materials for the signage; Ms. Gaughan said the color of the monument sign base, building base and dumpster enclosure would match; it would be a brown color (nuthatch).

Referring to the west side, steep slope area of property, Mr. Gurland considered the proposed tree plantings; he stated the West Orange Historic Preservation Commission had voiced concern regarding the project, an issue being tree plantings; the WOHPC requested the plantings be installed at a much greater height than proposed. Mr. DeVito stated the Applicant was willing to modify the species to create the buffer the WOHPC was seeking. As a condition of approval, Chairman Heller listed specific species and sizes of trees to revise in the area of the landscaping plan referenced by Mr. Gurland; Mr. DeVito stated the Applicant was agreeable to the revisions. Mr. Gurland opined that while Chairman Heller's recommendations had improved the plan, he believed the plan was still inadequate. He requested polling the Board to a condition of approval, that the tree plantings be increased to the 15 feet to 20 feet range. Mr. Russo cautioned the Board that when larger trees were installed, they failed in greater number than smaller trees; Vice Chairman Weston concurred. Councilwoman McCartney said she appreciated Mr. Gurland's concerns, however, based upon Chairman Heller's recommendations, and Mr. Russo's comments, she believed the buffer would be sufficient.

Chairman Heller asked for a motion to poll the Board to increase the size of the trees on the landscaping plan; the motion failed.

Mr. Gurland inquired if it would be possible for the Applicant to make an agreement with the adjacent property owner to use the adjacent driveway; Mr. DeVito answered in the negative; he said the adjacent driveway was in another municipality.

Douglas J. Polyniak, P.E., Dolan & Dean Consulting Engineers LLC, was sworn in, and accepted by the Board to be an expert in civil engineering; his specialty being traffic. Referring to the Omland Engineering memo dated January 27, 2015, Comment #11, Mr. Polyniak stated he had made site visits. He determined there to be more than significant signal gaps for anticipated egress traffic. He said the County would review all driveway site triangles; he opined a left turn restriction out of the parking lot was not necessary; the two driveways were approximately forty feet apart - an existing condition separated by the existing bus shelter; he saw no conflict between the driveways.

Councilwoman McCartney asked Mr. Polyniak to confirm there was a bus shelter between the two driveways. Vice Chairman Weston asked Mr. Polyniak to confirm that the County would be reviewing the plan to determine if there were any issues; Mr. Polyniak answered in the affirmative.

The Township Professionals and the Public Advocate had no questions for Mr. Polyniak.

Megan Brill, Downtown West Orange Alliance, asked if traffic on the Orange side of the property would be able to cross over the parking lot to the West Orange side; Mr. Polyniak answered in the affirmative. He said there was no physical barrier between the properties.

Mr. DeVito stated the Applicant had concluded testimony.

There were no comments from the Public Advocate or Public.

The Board deliberated on the Application. Councilwoman McCartney asked for clarification regarding the color of the exterior brick façade. Dr. Bagoff stated the Applicant had worked hard to accommodate all requests made by the DWOA, WOHPC and the Board; he appreciated the Applicant's efforts. Vice Chairman Weston stated he also appreciated the Applicant's efforts to address all parties' comments; he remained concerned the property was located next to a historic church, but it was a viable commercial property at the gateway to the Township, he was in favor of the Application with conditions. Mr. Gurland thanked the Applicant for discussing the landscaping issue on the west side of the property; with regard to traffic, he opined the site was potentially dangerous but would defer to the traffic engineer; he opined the concerns of the WOHPC regarding tree plantings had not been fully addressed; there were not many historic properties in West Orange. Chairman Heller stated he also struggled with the commercial use but appreciated the Applicant's effort to accommodate all requests.

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. Applicant to comply with the comments in the review letter from Frank Russo, PE, PP, dated January 27, 2015.
8. The monument sign and the trash enclosure shall match the materials used on the exterior of the building.
9. The Thuja occidentalis "Nigra" at 6-8 feet and the Thuja occidentalis at 5-6 feet on the plans would be replaced with Thuja platcata at installed at 9-10 feet on install. The amount and spacing shall remain the same. Also, all Atlantic White Cedars on the plan shall be changed to Colorado spruces, at the same 8-10 feet at install.
10. The Applicant will comply with the West Orange Police Department's request for 24-hour surveillance via 360-degree video recording system.
11. The plans shall be signed and sealed by a New Jersey licensed architect.
12. The architect signing and sealing the plans shall submit a certificate of authorization.
13. The applicant must obtain the approvals mentioned in the Omland Engineering letter of January 27, 2015 at paragraphs 1,2,4,5,7,8,9,10, 12 and 13 before the plans will be signed by the Planning Board.

14. All of the conditions listed herein must appear on the site plan cover page.

The Board voted on the Application as follows:

Motion: Chairman Heller

Second: Vice Chairman Weston

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

DISCUSSIONS

Recommendations for Potential Changes to Incorporate Sustainability Measures in Zoning and Application Procedures.

DISCUSSION

Chairman Heller addressed the Board. The draft Ordinance had been distributed for review and comments to several Township entities. The Board Secretary confirmed distribution to the following: Zoning Board of Adjustment members, Environmental Commission members, Open Space Commission members, Leonard Lepore, Municipal Engineer, Geniece Gary-Adams, Zoning Official and Tom Tracey, Construction Official. Mr. Grygiel noted that Mr. Buechler, a member of the Zoning Board of Adjustment had indicated the wording Township "Committee" be changed to Township "Council". There were no other comments.

Chairman Heller motioned the Board make a recommendation to Council that they adopt an Ordinance Amending Chapter 25, to incorporate a sustainability checklist to the application review process.

The Board voted on the Recommendation as follows:

Motion: Chairman Heller

Second: Dr. Bagoff

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

MEETING ADJOURNED at approximately 8:41 P.M.

Minutes adopted May 6, 2015



Robin Miller, Planning Board Secretary
Township of West Orange

**THE NEXT REGULAR MEETING OF THE PLANNING BOARD WILL BE
WEDNESDAY JUNE 3, 2015 AT 7:30 P.M. IN COUNCIL CHAMBERS**