

PLANNING BOARD
City of Orange Township
29 North Day Street
Orange, NJ 07050

MEETING MINUTES
AUGUST 24, 2022

Chairman Holmes called the August 24, 2022 City of Orange Township Planning Board Meeting to order at 7:33 p.m. Salute to the Flag. Compliance with the “Sunshine Law” was acknowledged. Roll Call. Meeting Notice.

Please note this meeting was held virtually via Zoom Meeting and all login information has been posted on the City of Orange Township website (www.ci.orange.nj.us) as well as the local newspaper “Transcript.”

Board Members Present: Enock Faustin, Callistus Onyiuke, Council President Eason, Vice-Chair Antoinette Jones, Chairman Dwight Holmes.

Board Members Absent: Member Mobley, Member Bennett, Mayor Warren.

Professionals Present:
Rich Wostbrock, Board Engineer
Gerard Haizel, Board Planner
Alexandra Reyes, Board Secretary
Joseph Wenzel, Board Attorney

Correspondence: None

MINUTES:

Motion made by Council President Eason **seconded** by Member Faustin to approve the August 9, 2022 minutes as written.

Those in Favor: Member Faustin, Member Onyiuke, Council President Eason, Vice-Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Mobley, Member Bennett, Mayor Warren.

Those Abstained:

Motion carried: 5-0-3-0

Memorialize Resolution for Case#22-09 VA 475 LLC-475 Main St- Preliminary and Final Major Site Plan Approval. Minor Subdivision Review.

Motion made by Vice-Chair Jones **seconded** by Member Faustin to Memorialize Resolution for Case #22-09.

Those in Favor: Member Onyiuke, Council President Eason, Vice-Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Mobley, Member Bennett, Mayor Warren.

Those Abstained: Member Faustin

Motion carried: 4-0-3-1

Case #22-12 NJ Energy Realty, LLC- 493 Central Ave - Preliminary and Final Major Site Plan Approval.

Attorney Lisa John-Basta from the law firm of CSG Law represented the applicant. The applicant is the owner of 493 Central Ave located at the corner of Central Ave and Scotland Rd. 493 Central Ave is currently developed as a Fuel Station and an Automotive repair building. Applicant is seeking to convert the non-conforming Automotive repair building in to a Retail Store which will be an accessory to the Fuel Station. The proposed is a permitted use under the Central Valley Redevelopment Plan District 3. The applicant is seeking two variances:

1. Allow a loading space with a 5ft side yard setback
2. Size of the proposed façade sign.

Witness #1 Michael Roth was sworn in as the applicant Civil Engineer and Planner. Mr. Roth stated he prepared the Site Plans represented to the Board, conducted site visits, and reviewed the City Master Plan and Redevelopment plan that governs the zoning. Mr. Roth presented exhibit A1 marked as Arial map dated August 12, 2022 showing the location of the site with the area outlined in red for orientation purposes. The subject property is the Exxon Gas Station and Service station located on Block 3901 Lot 5, which is in the Central Valley Redevelopment Plan – District 3. The property Contains 4 Fuel Pumps and a 1,733 SQFT Automotive Service Building. The existing Service Building is set-back 62.3 Sqft from the Scotland Rd property line and 32.8 Sqft from the Central Ave set-back which complies with the required 5ft minimum set-back. The building is set-back 2.2 Ft from the rear property where 10ft is required which is a Pre-existing Non-Conforming condition. The Site also contains 4 existing curb-cuts, two along Scotland Rd and two along Central Ave.

Mr. Roth presented the proposed improvement in an Arial Map showing colored areas marketed as Exhibit A2 Site Plan Rendering. The proposed consist in converting the existing service building which is not a permitted use in to a convenient store, which is a permitted use. There are no changes proposed to the existing fueling stations, no changes proposed to the existing footprint of the existing building. Applicant proposes to maintain the existing condition of the rear yard setback of 2.2 feet where 10ft is required. The proposed faced changes resulting in a proposed height of 16.4 Ft, which complies, with the maximum required height of 55 Ft. Variance requested for the signage proposed 20 inches higher, exceeding the required. The applicant proposes to close the curbside opening on the Norther Central Ave side, as the County does not permit trucks to back-out into the public roadway. The curbside opening on the South of Central Ave will remain open as well as restricting left side turn on the public roadway. The Eastern Scotland Road Curb opening remains with no turning movement restrictions as well as the Western Scotland Road Curb opening with turning restriction to the left turn movement in and out of the site.

The project proposes eight striped parking spaces with one handicap parking which complies with the required parking 5 minimum spaces. 9x18ft parking spaces where 9x20ft is required, waiver requested. The proposed loading space of 10x40ft, which is set back 0 Ft from the Setback where 5 Ft is required, variance requested. Mr. Roth stated he reviewed the Board professionals review letters as well as the fire official letter, which had no comments. As per the review letter from the Board engineer dated August 8, 2022, Mr. Roth addressed comments below:

- 4: pertaining to the new parking on the east side of the property which is adjacent to an existing building, no screening will be proposed, however landscaping will be provided in the areas requested by the Board planner.
- 6: walkways along the side of the building is proposed from central Ave to the building.
- 7: Site plans will be updated to show turning radius for the fuel trucks.
- 8 and 11: testimony provided during the presentation for lighting proposed.

Mr. Roth stated the applicant would comply with the Board Planner report date August 16, 2022. The hours of operation will comply with the City of Orange code Section 109-17 limiting hours of operation from 6:00AM to 12:00AM, anticipated number of employees will be two and three during maximum shift. Fuel delivery will be once or twice per week. Refuse pickup will be provided once per week. The neighboring lot will use the proposed loading space once per week as per the applicant; times for the loading will be coordinated to avoid any conflicts. Mr. Roth stated he will work with the Board Planner to address comments in regard to the Landscaping.

Board member raised questions in regards to the no parking on the Northern side of Central Ave curb opening. Attorney John-Basta stated that the applicant and the adjoining property owner have made an agreement to share the loading space. Sufficient parking is provided for the proposed use.

As a Planner Mr. Roth stated there are two bulk variances for the setback of the loading space and the height of the sign, maintain the two existing non-conforming conditions related to the rear yard set-back and the curb-cut width. The C1 and C2 criteria can be applied to the request

for variance relieve. The applicant satisfy the C1 criteria, the existing easement in proximity to the adjacent neighbor is a condition affecting the lot that satisfy the C1 criteria. The new building mounted sign, which will provide proper site location for the traveling public along with the architectural site improvement, which will enhance the look of the building façade that satisfy the C2 criteria.

The proposed development project encourages the purposes of the MLUL including purpose A, G, H and I. For negative criteria, the request of the variances results in no detriment to the public good. The curb opening, turning radius and no turning movement improves the public safety for the site. The improvement to the Site Storm water management is also an improvement for the benefit to the proposed project, there is no detriment to the Zone plan nor Zoning ordinance. Mr. Roth stated that the negative criteria have been satisfied and the variance requested are not detrimental to the Public good. The proposed complies with the Redevelopment plan satisfying the goal of elimination of underutilized areas, expansion of commercial activity as well as private developers in rehabbing structures.

Council President Eason stated to that our City Ordinance does not allow any students in the proposed convenient store during schools hours, applicant attorney agreed to comply with the City Ordinance.

Witness #2 Kamlesh Shah was sworn in as the applicant Architect. Mr. Shah was the architect who prepared the Architectural plans submitted to Board dated April 18, 2022 also marked as Exhibit A3. The applicant proposes to renovate the existing building converting it in to a convenient store and a pizza place. Canopy and glass window proposed in the entryway. The height of the building is 16.1 Ft, 14.6 ft. on the lowest height. Mr. Shah presented the proposed colored rendering; two signs proposed one on the South elevation other on the West elevation. Each sign proposed size is approximately 32 SQFT. Mr. Shah stated he has reviewed the Redevelopment plan standards for building massing, architectural standards, material and façade treatment, furthermore Mr. Shah stated that the proposed complies with the requirement of the Redevelopment plan. Single point entry is acceptable for the proposed as well as the sign height as per Mr. Shah.

Board members raised questions in regards to landscaping and building size, all comments were answered by Mr. Shah.

Engineering and Parking evaluation study was submitted to the Board prepared by Scott Parker dated December 30, 2021.

Board Planner Gerard Heizel was sworn in. Board Planner Mr. Heizel the applicant professional addressed the comments on his report showing adequacy and satisfaction. All requirements are satisfied with the exception of the existing non-conforming conditions. The proposed does not have any substantial adverse impact. Board Planner asked that the applicant work with his concerning the landscaping proposal. Mr. Heizel recommended that the Board require as a condition of approval for the applicant not to have cars parked out of the designated areas.

Council President Eason raised concerns concerning the safety due to the proximity of the Daycare center located near the propose site. Mr. Heizel stated that the proposed is an existing use and the motion of vehicles will not be different from previous use. Mr. Haizel also stated that he agrees with the implementation of not allowing students during schools hours in the convenient store.

Council President Eason requested that Mr. Klein stablish security signals for pedestrians and stablish hours of delivery for the fuel trucks. Attorney John-Basta stated that based on conversations with the County the proposed has limited turning points as requested by county, the applicant also comply to not have any deliveries during school hours.

Board members raised concerns in regards to environmental issues. Mr. Shah responded to Board member concern stating that any environmental issues will be mitigated before construction.

Board Engineer Rich Wostbrock was sworn in. Mr. Wostbrock stated that the applicant has addressed his concerns. Mr. Shah showing a height of the proposed Logo at 2.5ft tall and 2.11 Ft wide, "Chestnut Market" 1.9 Ft. width 13.9 Ft clarified signage size to Mr. Wostbrock. Mr. Wostbrock stated he does agree with the requirements by the County of no trucks backing up to exit. Mr. Wostbrock requested that the applicant works with him in regarding the turning radius for the trucks.

Motion to open Public portion by Vice-Chair Jones **second** by Council President Eason.

All in favor.

Muees Adewunmi- 221 New St

Location of the proposed site.

Motion to close public portion by Council President Eason **second** by Vice Chair Jones.

All in favor.

Motion to approve Preliminary and Final Major Site Plan Approval for Case #22-12 NJ Energy Realty, LLC- 493 Central Ave with variances for Minimum rear yard setback of 2.2 Ft. where 10ft is required, which is an existing condition. Driveway curb cut greater than 25 Ft., which is an existing non-conformity. Maximum building sign height greater the 20ft, front yard setback of 0 ft where 5 ft is required and a design waiver for parking stall size of 9x18 where 9x20 is required. As a condition of approval applicant will comply with the recommendations of the Board Planner report dated August 16, 2022 and the Board Engineer report dated August 8, 2022. Any changes on the existing Easement must be reviewed and approved by the Board Attorney before filing. Applicant will further work with the Board Planner on an acceptable landscape design, applicant will prohibit car standing in non-designated parking areas on the site **Second** by Member Faustin.

Those in Favor: Member Faustin, Member Onyiuke, Council President Eason, Vice-Chair Jones, Chairman Holmes.

Those Opposed: None

Those Absent: Member Mobley, Member Bennett, Mayor Warren.

Those Abstained:

Motion carried: 5-0-0-0

Old Business:

No old Business.

New Business:

Special meeting requested for October 11, 2022 by Board Secretary. Board members agreed to a Special meeting October 11, 2022.

Motion to adjourn by Vice-Chair Jones and **seconded** by Member Faustin. All in favor.

Meeting adjourned at 9:12 PM.

Next meeting scheduled for Wednesday, September 28, 2022 at 7:30 p.m. via virtually using Zoom Meeting.

Prepared by: Alexandra Reyes.