

RESOLUTION OF THE PLANNING BOARD

TOWNSHIP OF SOUTH ORANGE VILLAGE

Decided: April 4, 2016
Memorialized: May 3, 2016

**APPROVAL OF APPLICATION
JBH 343 VALLEY STREET LLC
FOR MINOR SITE PLAN
WITH "C" VARIANCE
343 VALLEY STREET
BLOCK 2302, LOT 10
PB APPLICATION #250**

WHEREAS, JBH 343 Valley Street LLC ("Applicant") having made application for minor site plan approval with "c" variance relief to the Township of South Orange Village Zoning Board (Application #250) regarding property located at 343 Valley Street, South Orange, NJ (the Premises"), and known as Lot 10, Block 2302 on the tax map of the Township of South Orange Village (the "Village"); and

WHEREAS the Board having accepted jurisdiction based upon proof of publication and notices provided in accordance with the Municipal Land Use Law; and

WHEREAS, a public hearing having been conducted at a meeting held on April 5, 2016 and the Applicant having appeared by its attorney David A. Stern, Esq., and the Board having heard testimony of Jack Haberman and Steve Majewski, RA and considered the exhibits and expert reports submitted by Applicant, and considered the comments and review memo from Board Planner Topology dated March 2, 2016, and considered the comments of all members of the public desiring to be heard and deliberated on the merits of the application; and

NOW, BE IT RESOLVED AS FOLLOWS:

EVIDENCE SUBMITTED

In summary, the following evidence was submitted in connection with the application and considered by the Board:

1. The Board received the Planning Board and Zoning Board Application form on February 19, 2016 with the following attachments:

- (i) Certificate of Ownership,
- (ii) Affidavit as to Ownership of Property,
- (iii) Certificate of Paid Taxes,
- (iv) Request for 200 ft list,
- (v) 200 ft list,
- (vi) Tax Map showing the subject premises and properties located within 200 ft,
- (vii) Four (4) color photographs of the subject premises,
- (viii) Survey prepared by Casey & Keller, Inc., dated December 11, 2015,
- (ix) Letter from Casey & Keller, Inc., to Steve Majewski, AIA,
- (x) Notice,
- (xi) Checklist,
- (xii) Architectural Drawings by Majewski Architecture dated February 12, 2016 (Sheets A-1 and A-2),
- (xiii) Plot Plan, Survey and Zoning Data and Area Map prepared by Majewski Architecture dated February 12, 2016,
- (xiv) Application to the Essex County Planning Board with cover letter from Majewski Architecture dated February 9, 2016,

2. The Board also received the following:

- (i) Phase I Environmental Site Assessment Report prepared by ATD Consultants dated December 24, 2015, received on March 15, 2016,
- (ii) Letter from Casey & Keller to Steven Majewski, AIA dated February 18, 2016.

3. The Board accepted into evident the following Exhibits:

A-1 Photo Board of the site

4. Applicant was represented by David Stern, Esq.

5. Jack Haberman testified that he is the Managing Member of JBH 343 Valley Street, LLC. He stated that the purpose of the application was to allow his business known as "Modern Auto Body" which is currently located at 410 Valley Street to relocate to 343 Valley Street and Lackawanna Place. He stated that his business has essentially two aspects: the first is an estimating business in which approximately 10 customers per day visit the site looking to have estimates done for auto body repairs; the second aspect is performing those repairs. Mr. Haberman testified that at this current location he oftentimes has several cars parked in the front area which can "sometimes be an eyesore" while at his new location two cars would be parked in front, but the estimating and repair work will be done in the back or inside. He stated that the proposed

changes to the new building include mostly interior renovation and upgrade of the front façade. He said the new location would permit him to bring the estimating business out of the front parking area at its current location and into the inside of the building out of public view at the new location. He testified that has obtaining zoning use permits from the Village before investing in the new property and applying for the subject application. He testified that he had already begun interior renovations to the building and intended to make changes to the exterior façade but was waiting until this application was heard.

In response to questions from the Board, he testified that he has 5 employees and generally about 10 customers per day; cars being towed to the site will be parked behind the building on Lackawanna Place; no vehicles would be left in the front yard overnight; all cars for which estimates are needed would be taken inside the structure and those cars which needed repairs would be taken inside or placed in the rear.

6. Applicant called Steve Majewski who was sworn and qualified as an expert in architecture. Mr. Majewski introduced Exhibit A-1 which was a photo board of the existing site. Mr. Majewski stated that Applicant seeks a variance for the pole sign which currently exists on the premises. It has a sign for "Subaru Park and Service" the former business on the site. He stated that the building is setback from Valley Street and can be difficult to see, therefore keeping the existing pole sign is critical. He stated that the pole sign height was the only variance being sought by the Applicant. The ordinance does not allow pole signs and Applicant seeks to keep and upgrade the existing sign. The sign is less than the maximum square footage allowed (20 sq ft each side permitted, 12 sq ft proposed) and he stated that Applicant is not seeking to make the sign larger. He stated that if it was a ground sign as permitted by the ordinance it would be difficult to see and be insufficient to notify passersby of the building which is setback from Valley Street. Mr. Majewski noted that there are a number of other pole signs on Valley Street, including one at the Stop & Shop and another at the former Blimpie as well as at other car repair and auto body shops. The total height of the proposed sign would be 9'1" pole plus 3' sign for a total of 12'1". No changes are proposed to the footprint of the building, or to its size or height.

7. No one spoke during public comment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

8. The premises are located in the B-3 zone.

9. According to an interpretation by the Zoning Officer the B-3 zone permits auto repair use provided it accompanies a showroom use. In the Zoning Officer's opinion this has in the past been interpreted to include auto repair facilities. The Board agrees with that interpretation for the purposes of this application.

10. Applicant seeks to relocate its existing auto body business from 410 Valley Street to the subject premises.

11. Applicant has purchased and is undertaking interior renovations at 343 Valley and stated its intention to complete those and also upgrade the front façade of the building. The building size will not change, however, the new business will have 2 renovated estimating bays, offices and a waiting area. The repair of autos will not take place in this building, but in their nearby building purchased by the Applicant on Lackawanna Place.

12. Applicant seeks a variance in order to maintain an existing pole sign and change it to serve his intended business. The evidence indicates that the building at 343 Valley is set back considerably from Valley and a pole sign would improve the business' presence from the street. The evidence further shows that there are other pole signs for Valley Street businesses so that the existing sign is not out of character with the neighborhood.

13. The Board finds that the variance requested should be granted. The application will allow improvement of his site and upgrade of its exterior which should improve the streetscape along Valley Street. The existing pole sign will not be raised in height and will remain at 9'1" of pole and 3' sign for a total of 12'1" which can be justified by reason of the building being set back. There would be no substantial negative impact upon the neighbors since the sign currently exists nor would it substantially impair the zone plan and ordinance. The proposal will improve the site, and upgrade and modernize the property along the Valley Street corridor in furtherance of the Master Plan. For all of these reasons the Board finds the overall benefits of the proposed plan with variance outweigh any insubstantial harm to the neighborhood or Village planning documents, and is therefore approved.

THE DECISION AND CONDITIONS

WHEREAS, the Board, having reviewed the application for minor site plan approval with "c" variance relief, and having considered the impact of the proposed application on the Village and its residents and the surrounding property owners, and having considered whether the proposal complies with and furthers the goals of the Master Plan and zoning ordinances of the Township of South Orange Village and the Municipal Land Use Law; and upon the imposition of specific conditions to be fulfilled, hereby, concludes that good cause has

been shown to approve the application of Applicant for minor site plan approval with a "c" variance and other relief as enumerated herein.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of South Orange Village that the application for minor site plan approval with a "c" variance as set forth in the plans, reports, representations, testimony, stipulations and Exhibits offered by the Applicant is hereby granted with the following conditions:

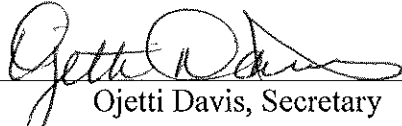
1. The Applicant shall comply with all applicable Township, County and State laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local and state approvals and/or permits.

2. 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.

3. The Applicant shall pay all outstanding taxes, application fees, technical review fees and inspection fees that may be required hereunder. Permits before construction and/or certificates of occupancy may be withheld unless all additional fees and/or escrow deposits are paid. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within ten (10) days of notification.

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.

IN WITNESS WHEREOF, the Board has caused this Resolution to be executed by its Secretary on the 3rd day of May, 2016.


Ojetta Davis, Secretary

Vote on Action Taken by the Board:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
ALLEN						X
CHAMBERS						X
COLTON-MAX						
HARRIS (1st Alt.)			X			
LERMAN			X			
LOEHNER		X	X			
MILLER			X			
ROSNER			X			
COLLUM						X
WILSON						X
LEWIS	X		X			

Vote on Memorializing Resolution:

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
ALLEN			X			
CHAMBERS						X
COLTON-MAX						
HARRIS (1st Alt.)			X			
LERMAN		X	X			
LOEHNER			X			
MILLER			X			
ROSNER			X			
COLLUM					X	
WILSON	X		X			