

TOWNSHIP OF WEST ORANGE

RESOLUTION OF THE PLANNING BOARD

Decided:	October 2, 2019
Memorialized:	November 6, 2019

APPROVAL OF APPLICATION
PRISM CAPITAL PARTNERS, LLC
PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH “C” VARIANCES
AND TREE REMOVAL AND REPLACEMENT PERMIT
55 LAKESIDE AVENUE
BLOCK 115, LOT 15
PB APPLICATION #19-04

WHEREAS, PRISM CAPITAL PARTNERS, LLC., (“Applicant”) having made application for Preliminary and Final Site Plan approval and “C(1)” and “C(2)” variance relief, and for a Tree Removal and Replacement Permit to the Township of West Orange Planning Board (Application #19-04) regarding property located at 55 Lakeside Avenue, West Orange, NJ (the “Premises”), and known as Lot 15 in Block 115 on the tax map of the Township of West Orange (the “Township”); 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 October 2, 2019 and the Applicant having appeared by its attorney Francis X. Regan, Esq., of the DeCotiis Law Firm, and the Board having heard testimony of the Applicant’s professionals Stephen Powers, PE, John Corak, PE, Angelo Alberto, RA, PP, and the report of applicant’s Landscape Architect, Paul DeVitto III, LLA, and the Board having considered the review letters issued by Township professionals including Deputy Chief Steven Hywel, Acting Fire Official, dated July 11, 2019; Paul Grygiel, PP, Township Planning Director, dated July 16, 2019 updated August 27, 2019 and September 17, 2019; John Linson, Township Forester, dated July 29, 2019; and John Hess, PE, Planning Board Engineer dated September 6, 2019 updated September 18, 2019; and considered the exhibits submitted by the Applicant, and considered the comments of all members of the public desiring to be heard, and having deliberated on the merits of the application;

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 application and the documents submitted therewith, including:

- (i) Application to Township of West Orange Planning Board dated July 2, 2019, received August 26, 2019,
- (ii) Application for Tree Removal and Replacement Permit,
- (iii) Site Plan Checklist with waiver requests,
- (iv) Paid Tax Statement dated June 28, 2019,
- (v) Property owners list,
- (vi) Tree removal application,
- (vii) W-9 form,
- (viii) Boundary and Topographic Survey prepared by Keller & Kirkpatrick, dated February 28, 2019, (A-5)
- (ix) Architectural plans and elevations (A-4) prepared by City Invincible Architecture, last revised August 19, 2019,
- (x) Site Plans prepared by Greenberg Farrow, Stephen Powers, P.E. (20 sheets) and Existing Conditions Plan (1 sheet) dated June 17, 2019 last revised August 15, 2019, (A-2)
- (xi) Tree Removal Plan prepared by Stonefield Engineering & Design, dated July 2, 2019, last revise August 20, 2019.
- (xii) Copy of cover letter and application to the Essex County Planning Board, dated May 17, 2019. (A-7),
- (xiii) Hydrology Report prepared by Greenberg Farrow dated August 14, 2019.

The Board also received the following:

- (i) Sustainability Checklist Form

2. The Board accepted into evidence the following exhibits:

- A-1 Overview aerial of property by Greenberg Farrow.
- A-2 Site Plan by Prism, blown up version showing stacked homes.
- A-3 Photo Light Plan by City Invincible.
- A-4 Architectural plans by City Invincible.
- A-5 Elevations by City Invincible.
- A-6 View rendering by City Invincible.
- A-7 Tree Removal & Landscape Plan by Stonefield Engineering.
- A-8 Rendered landscape Plan by Stonefield.

3. Francis X. Regan, Esq. appeared on behalf of the Applicant and introduced the application stating that Applicant intends to present this application for twenty stacked townhouse units, as part of a larger redevelopment project that will share a condominium association, but not be connected to the other dwelling units with a street. Each dwelling unit will have a one car garage and a tandem parking spot. The development will have ten visitor spaces.

4. Stephen Powers P.E., was qualified as a civil engineer and testified that the project will reduce the existing impervious coverage and exceeds the open space requirement of 20% open space.

5. Mr. Powers testified that garbage trucks may back into the site, which has a small turn around along Babcock Street.

6. Mr. Powers further stated, after being questioned on his proposed utility pole, that they will run the electric service underground provided the utility companies accept this as a feasible installation as they will have the ultimate authority as to the installation design to bring primary electric service to the site. The Applicant would prefer a utility pole to trenching under Babcock Street.
7. An existing monitoring well will remain and be tested regularly due to raised levels of PCE and sodium in the groundwater but that this will not impact the residential use. In response to questions by the Board, Mr. Powers testified that the well is present due to an offsite contamination from a dry cleaner, and it will be addressed by the predecessor in title or current owner.
8. Mr. Powers testified that they do not want to install an ADA ramp into Babcock Place as it is too steep. The board engineer agreed with this.
9. Mr. Powers stated they would prefer not to terrace as there will be sufficient screening of the wall proposed.
10. Mr. Paul Grygiel, the board planner, supported the applicant's request for a waiver of the EIS requirement noting it is consistent with the Redevelopment plan.
11. The revised plans address the memorandum of Fire Officer Hywel. The applicant will provide a snow removal plan.
12. The applicant noted that there is no affordable housing to be constructed in this phase of the project and that a separate building will be constructed to address the affordable housing for the entire redevelopment.
13. The public advocate questioned the applicant as to whether there were any lead issues. The engineer replied that there are none they are aware of.
14. A neighbor residing at 9 Babcock Place expressed concern about adding twenty units to a congested street with no sidewalk.
15. Paul DeVitto, LLA was sworn and qualified as an expert in landscape architecture. He introduced Exhibit A-7, a tree removal plan. He testified that 53% of the trees existing are invasive to the area. Their plan will preserve 16 trees and remove 36 trees. A maple tree in particularly good condition will be saved.
16. West Orange requires that the applicant replace the removed trees with 36 replacements; they plan to plant a total of 42 new trees on site with 8 being defined as major trees and 34 being considered minor trees. In a few years, tree growth will screen the entire wall. The Memorandum dated July 29 and September 18, 2019 from the West Orange Township Forester, John Linson approved the tree removal plan. The Board Chairman asked if a large tree could be planted near but not on the site. Mr. DeVitto agreed to work with the Town Forester to find a location for up to 5 additional trees extending to the intersection along Babcock Place.

17. John Corak, PE, was sworn and qualified as an expert in engineering and testified about traffic and circulation. He testified that Babcock Place has low traffic and the proposed new 20 dwelling units would generate 7 morning trips and 11 evening trips, thereby having no significant impact.

18. A discussion was held about the lack of a sidewalk adjacent to the property. A sidewalk goes up to the property, but not alongside it, and the three houses across from the subject property have no sidewalk. The applicant agreed to add a sidewalk next to those three houses across the street, provided the Township can obtain proper permissions from each of the three (3) homeowners and the applicant shall work with the Township Engineer and Forester regarding the alignment and construction of the sidewalk especially where it interferes with the existing trees and roots with R.O.W.

19. Mr. Corak testified that there would be one garage space and a tandem space in front of each garage providing two parking spaces for each unit. Ten additional guest spaces will be provided, meeting the RSIS requirement. Furthermore, there is no requirement to add a cul-de-sac, which is not proposed. The Board questioned Mr. Corak about the safety of the plan, and he testified that the circulation proposed, and retaining walls will be safe. The plans provide an ADA handicap ramp from the front right corner.

20. A neighbor had concerns with traffic in and out seven days a week and asked that the Board drive on Babcock Place before making a decision. Mr. Corak testified that the low traffic volume does not warrant installation of traffic calming devices.

21. Angelo Alberto, AIA was sworn and qualified as an expert in architecture. He drew the plans submitted by City Invincible dated August 19, 2019. He described the proposed plan as "stacked townhouses" with a 60 by 240-foot-long building. The ground floor units will be two-bedroom dwellings of approximately 1500 square feet with a garage. The upper level units will have 300 square feet on the lower level and three bedrooms on the top floor including a master bedroom suite. The plan includes upgraded garage doors. The entry to the units will be between the buildings in a narrow corridor. Mr. Alberto testified that their intent is to utilize sustainable product systems and materials, although they are not proposing geothermal materials. The proposed height has been reduced from 46 to 41 feet, so there is no height variance being requested.

22. Mr. Alberto further testified that the proposal includes fire separation walls to the peak of each unit.

23. Mr. Alberto further testified that no chain link fence will be installed but rather the project will have decorative aluminum fencing.

24. The one variance requested is for a deviation from the 25-foot landscape buffer required to surround the site. The plans propose a 6.5-foot buffer on the front and a 20-foot buffer on the west rather than 25 feet, due to site constraints. Mr. Alberto testified that the east and south sides comply and that there will be no detriment for this exception. He further stated that the most sustainable thing to

do is reuse this site, and the plans provide significant landscaping. This variance qualifies under both N.J.S.A. 49:55D-70(c)1 and 2, as the property constraints are a hardship, and the sustainable reuse of the property benefit outweigh any detriment, of which there are none.

25. He stated that the requested variances could be granted pursuant to N.J.S.A. 40:55D-70(c)(1) or c(2). He noted that c(2) variances may be granted when they involve a specific piece of property where the benefits outweigh the detriments, and that c(1) variances may be granted when unusual conditions such as shape or topography affect a specific piece of property and cause undue hardship.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

26. The property is located in the E-MR zoning district where stacked townhouses are a permitted use.

27. Applicant seeks Preliminary and Final Site Plan approval with “c” variance relief and a tree removal permit in connection with the demolition of existing structures and construction of twenty stacked townhouses, with 10 garages and exterior parking.

28. The Board specifically finds - based upon the evidence presented and the Board’s knowledge of local conditions – that pursuant to Ordinance Section 25-27.7(c)(2) the tree removal proposed by the applicant will not result in or cause, increase or aggravate any or all of the following conditions

- a. Soil erosion, sedimentation and dust - Applicant will obtain Soil Conservation District approval as needed;
- b. Stormwater or drainage problems – none anticipated, stormwater is being handled per the plans,
- c. Significant diminution of the screening– new buffering and landscaping where there presently is little, is being provided.
- d. Sewerage problems – site plans indicated that the site is connected to a public sewer system and there was no indication that the proposed tree removal would have any effect upon sewage disposal; and
- a. Dangerous or hazardous conditions – the proposed site plan is for construction of twenty stacked townhouses and the proposed tree removal would not create any dangerous or hazardous conditions.

29. Variances may be granted pursuant to N.J.S.A. 40:55D-70-1 et seq. (the Municipal Land Use Law or “MLUL”). Under MLUL §70(c)(1) variances may be granted when unique or exceptional conditions caused by shape, size, topography or lawfully existing structures cause exceptional difficulties or undue hardship for development of a specific piece of property. Variances may be granted under MLUL §70(c)(2) when it would further the purposes of zoning, the benefits outweigh the detriments, and it offers a better alternative than what is allowed by the Ordinance. In all instances the Applicant must also prove that granting the variance will not cause substantial detriment to the public good nor substantially impair the intent and purpose of the Master Plan or zoning Ordinance.

30. The Board finds that the variance requested is warranted on c(2) grounds. The benefits of the proposal consist of the redevelopment of the site pursuant to the 2010 Master Plan and Redevelopment Plan, and will also promote a desirable visual environment furthering purpose §2(i) of the Municipal Land Use Law as well as promoting the general welfare by providing attractive housing furthering purpose §2(a) of the Municipal Land Use Law.
31. The Board finds further that granting the variance will not cause substantial detriment to the public good. By upgrading and improving the site the application will further principles of the Master Plan and purposes of zoning thereby causing no substantial impairment to either. The minor deviation from the required 25-foot buffer is justified due to the constraints and topography of the land.
32. For all these reasons the Board finds that the Applicant has met both the positive and the negative criteria to qualify for the “c” variance relief requested. Issuance of a Tree Removal and Replacement permit is also warranted.

THE DECISION AND CONDITIONS

WHEREAS, the Board, having reviewed the application for Preliminary and Final Site Plan approval with “c” variance relief and a Tree Removal and Replacement permit, and having considered the evidence submitted, and having considered the impact of the proposed application on the Township and its residents and the surrounding property owners, and having considered whether the variance request complies with and furthers the goals of the Master Plan and zoning ordinances of the Township of West Orange and the Municipal Land Use Law; hereby, concludes that good cause has been shown to grant the application.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Orange that the application for preliminary and final site plan approval with “c” variances and a Tree Removal and Replacement Permit as set forth in the plans, reports, representations, testimony, stipulations and Exhibits offered by the Applicant is hereby approved subject to 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. 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.

4. The Applicant shall pay all outstanding taxes, application fees, technical review fees, inspection fees and performance guarantees 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 will be deemed withdrawn.

5. The project will have decorative four feet high aluminum fencing and no chain link fence will be installed.

6. All exterior lights will use LED fixtures.

7. The exterior will not have vinyl siding but will utilize brick, brick veneer, stone or cementitious material and conform to the design requirements of Redevelopment Plan and will be subject to the Board Planner's final review and approval.

8. The exterior façade of the building shall be in a color or colors subject to the review and approval of the Board Planner and will be consistent and compatible with the Edison complex and the Redevelopment Plan.

9. Applicant to comply with the review letters from John Hess, PE of CME Associates dated September 6 and September 18, 2019 (attached).

10. The applicant will increase the size of the drainage pipe.

11. The applicant will comply with Deputy Chief Steven Hywel, Acting Fire Official's memorandum dated July 11, 2019 with the sole exception that it may install a NFPA 13R system, rather than a NFPA 13 system. The fire separation wall will extend to the peak of the building.

12. The applicant will work with the Town Forester to add up to five additional trees offsite on Babcock Place subject to the approval of adjacent property owners and feasibility.

13. The applicant will extend the sidewalk on three properties on the North side of Babcock Place, provided the Township can obtain proper permissions from each of the three (3) homeowners and the applicant shall work with the Township Engineer and Forester regarding the alignment of the sidewalk especially where it interferes with the existing trees and roots within R.O.W.

14. There is no direct road access between Phase 2A and Phase 2B of this redevelopment.

15. Phase 2A and 2B will be part of a single condominium Association as described in the Redevelopment Plan.

16. The applicant will provide engineer's certification regarding the stability of all retaining walls above 4 feet.

17. The electric supply will be run underground and not from a pole, subject to the electric utility not providing written objection.

IN WITNESS WHEREOF, the Board has caused this Resolution to be executed
by its Secretary on the 6th day of November 2019.


Robin Miller, Secretary

Vote on the Action Taken by the Board

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Bagoff		*	*			
Cardoza (Vice-Chair)						*
Keigher			*			
Klein			*			
McCartney			*			
Trenk			*			
Wegner						*
Wilkes			*			
Weston (Chair)	*		*			
Williams (1 st Alt.)						*
Johnson (2 nd Alt)			*			

Vote on the Memorializing Resolution

Board Member	Motion	Second	Aye	Nay	Abstain	Absent
Bagoff		*	*			
Cardoza (Vice-Chair)						
Keigher						
Klein			*			*
McCartney			*			
Trenk			*			
Wegner						
Wilkes						*
Weston (Chair)	*		*			
Williams (1 st Alt.)						
Johnson (2 nd Alt)			*			

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

MEMORANDUM

To: *Chairman and Members of the
West Orange Planning Board*

From: *John J. Hess, PE, PP, CME
Planning Board Engineer*

Date: *September 6, 2019*

Re: *Application No. PB 19-04
Prism Capital Partners, LLC
Edison Village – Phase 2A
Review #1
Preliminary & Final Major Site Plan with
“C” Variances and Tree Removal Permit Application
55 Lakeside Avenue
Block 115, Lot 15
Our File: VWRP0115.01*

CC: *Paul Grygiel, AICP, PP - Township Planning Director
Leonard Lepore, PE – Township Engineer
Patrick Dwyer, Esq. – Planning Board Attorney
Prism Capital Partners, LLC - Applicant
Francis Regan, Esq. – Applicant's Attorney
Stephen J. Powers, PE – Applicant's Engineer
Charles D. Olivo, PE, PP, PTOE – Applicant's Traffic Engineer
Paul DeVitto III, LLA – Applicant's Landscape Architect
Angelo Alberto, RA, PP – Applicant's Architect
Kevin S. Bogerman, PLS – Applicant's Surveyor*

Our office has received for review the following documents which were submitted in support of the above referenced application for Preliminary and Final Major Site Plan approval with “C” Variances and Tree Removal Permit Application:

- A set of Civil Plans for Edison Village Phase 2A (20 sheets) prepared by Stephen Powers, PE with GreenbergFarrow of Somerville, New Jersey and bearing a latest revision date of August 15, 2019.
- A print of a Boundary Survey (1 sheet) prepared by Kevin S. Bogerman, PLS with Keller & Kilpatrick, Inc. of Morris Plains, New Jersey dated February 28, 2019.
- A set of Preliminary Tree Removal and Landscape Plans (3 sheets) prepared by Paul DeVitto III, LLA with Stonefield Engineering & Design, LLC of Rutherford, New Jersey and bearing a latest revision date of August 20, 2019..



Chairman and Members of the West Orange Township Planning Board
Re: Prism Capital Partners, LLC (PB 19-04)
Preliminary & Final Major Site Plan with
"C" Variances and Tree Removal Permit Application
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- A set of Preliminary Architectural Plans & Elevations (2 sheets) prepared by Angelo Alberto, RA, PP with City Invincible of Camden, New Jersey dated August 19, 2019.
- A Hydrology Report prepared by Stephen Powers, PE dated August 15, 2019. Included with the report is a set of Drainage Area Maps (3 sheets) prepared by Stephen Powers, PE and bearing a latest revision date of August 15, 2019.
- A Traffic and Parking Assessment Letter Report prepared by Charles D. Olivo, PE, PP, PTOE and John R. Corak, PE with Stonefield Engineering and Design, LLC dated August 26, 2019.
- A completed Application Form. Attached to the Application Form is a Supplement to Application for Prism Capital Partners, LLC which describes the proposed use, lists the variances that are required and sets forth the reasons for the requested relief.
- An undated Ownership Disclosure for Applicant.
- A completed Site Plan/Subdivision Checklist.
- A completed Sustainability Checklist Form.
- A completed Application for Tree Removal and Replacement Permit, undated.
- A Verification of Taxes & Sewer Charges Paid for Planning Board from the Office of the Tax Collector dated June 28, 2019 which states that the taxes are paid until July 31, 2019 and the sewer charges are paid in full for 2019.
- A List of Owners within 200 Feet of Lot 15, Block 115 from the Office of the West Orange Tax Assessor dated June 28, 2019.
- A List of Owners within 200 Feet of Lot 15, Block 115 from the Clerk of the City of Orange Township dated June 28, 2019.
- A copy of an August 15, 2019 letter from Kiran Muppala with GreenbergFarrow to the Acting West Orange Fire Official, Deputy Chief Steven Hywel, which addresses the comments in his July 11, 2019 Memorandum.
- A copy of an August 15, 2019 letter from Kiran Muppala with GreenbergFarrow to the West Orange Planning Director, Paul Grygiel, AICP, PP, which addresses the comments in his July 16, 2019 Memorandum regarding the Site Plan Review Advisory Board meeting that was held on July 16, 2019.

We have reviewed the information submitted in support of this application and offer the following comments:



Chairman and Members of the West Orange Township Planning Board
Re: Prism Capital Partners, LLC (PB 19-04)
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A. PROJECT DESCRIPTION

The property in question is an irregularly shaped tract which is bounded by Columbia Street and Babcock Place to the north, Alden Street to the west, Watchung Avenue to the east and Lakeside Avenue and the West Orange Public Works Yard to the south. It is located in the E-MR Edison Mixed Residential Zone within the Downtown Redevelopment Area and has an area of 393,763 sf or approximately 9.040 acres. The property is currently occupied by a 1 story metal clad building, a 2 story metal clad building and three (3) parking lots, one with access from Watchung Avenue, one with access from Lakeside Avenue and one with access from Babcock Place.

The Applicant is seeking Preliminary & Final Major Site Plan approval with variance relief to demolish the existing parking lot on Babcock Place and to construct Phase 2A of the Edison Village project consisting of 20 stacked townhome units in 10 attached buildings with on-site parking for 50 vehicles including 1 garage parking space and 1 driveway parking space per unit (40 parking spaces) and a surface parking lot for 10 vehicles including 1 handicap accessible parking space. Access will be provided to the site via a 2-way full movement driveway from Babcock Place. The townhome units will be serviced by connections to the existing sanitary sewer system in Columbia Street and the existing water system in Babcock Place. In addition, the stormwater from the proposed development will be discharged to an existing swale at the rear of the proposed townhomes.

B. VARIANCES AND/OR WAIVERS FROM LOCAL ORDINANCES

1. The Applicant has requested the following variances as part of this Preliminary & Final Major Site Plan application:
 - a) To permit a building height of 3 stories/46 ft whereas a maximum building height of 3 stories/42 ft is permitted if governed by a single association.
 - b) To permit a 6.5 ft wide landscape setback along the site frontage whereas a minimum landscape setback of 25 ft is required around the perimeter of the project or 10 ft from the existing public right of way where no front yard parking is provided.
2. The Applicant has requested a waiver to permit the planting of 8 major trees and 34 minor trees whereas 36 major trees are required to be planted.

C. WAIVERS AND/OR EXCEPTIONS FROM THE RESIDENTIAL SITE IMPROVEMENT STANDARDS (RSIS)

This application is subject to the requirements of the Residential Site Improvement Standards (RSIS) adopted as NJAC 5:21-1, et seq.

1. The Applicant has not requested any waivers from the RSIS.



Chairman and Members of the West Orange Township Planning Board
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2. The Applicant has not requested any *de minimis* exceptions from the RSIS.

C. DESIGN COMMENTS AND PLAT DETAILS

1. As stipulated in the Site Plan/Subdivision Checklist, the following information must be submitted to the Board:
 - a) Item #20 – Copy and/or delineation of any existing or proposed deed restrictions or covenants.
 - b) Item #46 – Solid waste management plan.
 - c) Item #52 - Plans and legal documents for compliance with West Orange COAH Ordinances.
2. As stipulated in Section 25-13 of the Land Use Regulations, the Applicant must submit twenty (20) copies of an Environmental Impact Statement to the Board.
3. The Applicant is proposing to develop only a small portion of existing lot 15. The Applicant should address the Board to clarify if the 20 stacked townhomes that are now proposed will be part of a larger single association which will encompass the entire lot or if the current project will be subdivided from the larger parcel.
4. The Applicant should address the Board regarding compliance with the new building design requirements in the Second Amendment to Downtown Redevelopment Plan.
5. It states on the Sustainability Checklist Form that *"The Applicant is proposing reduction of peak stormwater runoff rates leaving the site helping to mitigate the potential for downstream flooding"*. We note that this statement is not substantiated by the Hydrology Report which states on page 6 *"...the peak rate and runoff volume under the proposed conditions is equal to the existing conditions"*.
6. It states on the Sustainability Checklist Form that that the list of green and recycled building materials in new construction, renovation and maintenance is *"to be determined"*. The Applicant should provide testimony to the Board to clarify the status of this item.
7. It shows on the Civil Plans that the proposed townhomes will front on Babcock Street. However, Tax Map sheet 44 identifies this street as Babcock Place. Therefore, the Civil Plans must be revised accordingly.
8. The orientation of the North arrow shown on sheet 0.1 of the Civil Plans does not agree with the orientation shown on the Boundary Survey and must be corrected.



Chairman and Members of the West Orange Township Planning Board
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9. The Existing Conditions Plan (sheet 1.0) and the Overall Site Plan (sheet 2.0) show that the property consists of lots 15 & 17 whereas the Boundary Survey and Tax Map sheet 44 identify the property as lot 15. This discrepancy must be resolved.
10. The Demolition Plan (sheet 1.1) shows an existing monitoring well that is to be removed. In addition, it states on the Demolition Plan that decommissioning of the monitoring well is to be performed in accordance with NJDEP requirements and coordinated with the Environmental Engineer prior to any demolition work being performed. The Applicant should address the Board regarding the reasons why a monitoring well was installed at the site and if there are any remaining areas of environmental concern.
11. The Site Plan (sheet 2.1) must be revised to show the dimensions of the proposed buildings including the bump out on the side of Building 10.
12. The Site Plan (sheet 2.1) must be revised to dimension the setback from the common property line with adjoining lot 18 to the bump out on the side of Building 10.
13. The Site Plan (sheet 2.1) must be revised to dimension the width of the proposed sidewalk from Babcock Place.
14. The Site Plan (sheet 2.1) must be revised to dimension the depth of the proposed driveway parking spaces.
15. The Site Plan (sheet 2.1) must be revised to label the point where the proposed 4 ft high aluminum fence transitions to a 4 ft high black chain link fence.
16. The Site Plan (sheet 2.1) must be revised to provide a handicap ramp where the proposed sidewalk along Babcock Place intersects the proposed driveway.
17. The Site Plan (sheet 2.1) includes a list of Site Key Notes. The list includes an item for Concrete Brick Pavers (S8B). The plan must be revised to identify the locations where concrete brick pavers are proposed.
18. The Site Plan (sheet 2.1) shows that a 6" rolled concrete berm is proposed in front of every other building. The length of the proposed berm must be dimensioned on the plan. In addition, the Applicant should address the Board regarding the purpose of the rolled concrete berms.
19. The Site Plan (sheet 2.1) shows that a mail box cluster is proposed adjacent to the entrance drive. Therefore, a mailbox cluster detail must be added to the plans. In addition, the proposed location of the mailbox cluster must be approved in writing by the West Orange Township Postmaster.



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20. The Site Plan (sheet 2.1) shows that a handicap accessible parking space is proposed at the site. The Applicant should clarify if this parking space is proposed to be van accessible. If so, then it should be noted as such on the plan.
21. The Site Plan (sheet 2.1) shows that a 4 ft high chain link fence is proposed along the Columbia Street frontage of the site. In addition, the Chain Link Fence Detail on sheet 6.0 shows that privacy slats will be installed in the fence. Section 25-8.4 in the Land Use Regulations states that solid fences are only permitted in the rear yard and on the side property line up to the rear line of the applicant's house whereas 4 ft high fences which are not more than 50% solid are permitted anywhere on the property. Therefore, the plans must be revised accordingly.
22. It states on the Area and Bulk Requirements table on the Site Plan (sheet 2.1) that the property has an area of 7.03 acres whereas it shows on the Boundary Survey that the area is 9.040 acres. Therefore, the table must be revised accordingly.
23. It shows on the Grading Plan (sheet 3.0) that the retaining wall along the westerly side of the site adjacent to Columbia Street will vary in height from 5 ft to 12 ft. The Applicant should address the Board regarding the feasibility of terracing the wall to soften the visual impacts.
24. The Grading Plan (sheet 3.0) includes callouts which state "Wall Profile A – Refer to sheet C-3.4" and "Wall Profile A – Refer to sheet C-3.5". We note that sheets C-3.4 and C-3.4 are not included in the plans that were received by our office.
25. The Storm Drainage Plan (sheet 3.1) shows that a scour hole is proposed at the point of discharge from Storm Manhole 1. In addition, sheet 6.3 includes a Scour Hole Detail. We note that the scour hole information shown on sheet 3.1 does not agree with the information shown on the detail. These discrepancies must be resolved.
26. The Storm Drainage Plan (sheet 3.1) shows that 12" HDPE pipe is proposed for the stormwater collection system to Storm Manhole 1 while the discharge from Storm Manhole 1 will be 15" RCP pipe. We note that Section 5:21-7.3(f) in the RSIS states that no pipe size in the storm drainage system shall be less than 15 inches in diameter with the exception that a 12 inch diameter pipe may be used as a cross-drain to a single inlet. Therefore, the plans must be revised to comply with the RSIS requirements.
27. The Storm Drainage Plan (sheet 3.1) shows that Stormline D will be 12" HDPE Pipe whereas the Storm Sewer D profile on sheet 3.2 shows that 8" pipe is proposed. This discrepancy must be resolved.
28. The Utility Plan (sheet 4.0) shows that two (2) sanitary drop manholes are proposed. Therefore, a sanitary drop manhole detail must be added to the plans.



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29. The Utility Plan (sheet 4.0) shows that a cleanout is proposed at the westerly end of the proposed 8" sanitary sewer main. For maintenance purposes, the cleanout should be replaced with a manhole.
30. The Utility Plan (sheet 4.0) shows that the two (2) sewer laterals from each building will tee together prior to entering the sewer main. It is our recommendation that each sewer lateral be run directly to the sewer main. In addition, a cleanout should be provided on each lateral prior to entering the sewer main.
31. The plans must be revised to include a profile of the proposed sanitary sewer main.
32. The Utility Plan (sheet 4.0) shows that a new electrical pole and overhead electrical line are proposed to provide extend electrical power to the site. As stipulated in the General Standards and Prohibitions section in the Second Amendment to Downtown Redevelopment Plan, all utility distribution lines and utility service connections from such lines shall be located underground. Therefore, the plans should be revised accordingly.
33. The Photometric Plan (sheet 4.1) shows that the level of illumination in the surface parking lot and in front of buildings 7 & 8 will be as low as 0.0 foot candles which is unacceptable. The plan should be revised to provide a minimum level of illumination of 0.5 foot candles in these areas.
34. The Photometric Plan (sheet 4.1) should be revised to include a note which states that shields or cutoffs shall be installed when necessary to prevent glare or the spillover of light onto adjacent residential properties or public streets.
35. The light pole details on the Photometric Plan (sheet 4.1) shows that the single head light fixture will be 17 ft high (204.00") while the double head light fixture will be 18 ft high (216.36"). We note that the Landscape, Lighting and Open Space section in the Second Amendment to Downtown Redevelopment Plan states that *"On-site lighting fixtures shall be in scale with the size of the project"*. It further states that *"pedestrian scale lighting of no more than 15 ft in height is encouraged"*. The Applicant should provide testimony to the Board to demonstrate that the proposed parking lot lights comply with the intent of the Redevelopment Plan.
36. The Typical Sidewalk Detail on sheet 6.0 must be revised to specify the use of Class B concrete having a 28-day verification strength of 4,500 psi as stipulated in the RSIS.
37. Sheet 6.0 includes a Chain Link Fence Detail which specifies the installation of 2-3/8"Ø corner posts, 7/8"Ø line posts and 2" x 2" mesh. It is our recommendation that 3"Ø corner posts, 2-1/2"Ø line posts and non-climbable mesh be installed for safety reasons.
38. The Typical Storm Manhole Detail on sheet 6.1 must be revised to specify the manhole frame and cover that is proposed.



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39. The Storm Cleanout Detail on sheet 6.1 shows that a 15" roof drain pipe is proposed. However, it shows on the Storm Drainage Plan (sheet 3.1) that the roof drains will be 6" PVC. This discrepancy must be resolved.
40. Sheet 6.2 includes a Connection to Existing Sewer Structure detail. This detail shows that a doghouse manhole is proposed over an existing sewer main whereas the Utility Plan (sheet 4.0) shows that a connection is proposed to an existing manhole. Therefore, the detail must be revised accordingly.
41. The Sanitary Sewer Clean Out Detail on sheet 6.2 shows that a 15" roof drain pipe is proposed. The detail must be revised to reflect the proposed sanitary sewer installation.
42. Sheet 6.2 includes a Sanitary Sewer Capping Detail. This detail references both RCP storm pipe and sanitary pipe. The detail must be revised to clarify if the work is proposed on the existing sanitary sewer or the existing storm pipe.
43. The Precast Sanitary Sewer Manhole and Lid detail on sheet 6.2 must be revised to show that the words "SANITARY SEWER" will be cast integrally into the manhole cover.
44. Sheet 6.3 includes a 6" Rolled Concrete Berm Detail which shows the width of the berm to be variable. Therefore, the Site Plan (sheet 2.1) must be revised to dimension the width of each berm.
45. Note #3 on the Retaining Wall Detail on sheet 6.3 stipulates that the guide rail must comply with the PADOT standard detail which is incorrect. The detail must be revised to reference the NJDOT Standard detail.
46. The Retaining Wall Detail on sheet 6.3 must be revised to show that the guide rail will be located furthest from the face of wall as shown on the Site Plan (sheet 2.1).
47. It shows on the Typical Water Service Connection Detail on sheet 6.3 that the water meters will be installed in a meter box in front of each unit. Therefore, the Utility Plan (sheet 4.0) must be revised to show the water meter boxes.
48. It shows on the Soil Erosion and Sediment Control Plan (sheet 5.0) that the total area of disturbance will be 1.09 acres. As a result, the project is classified as a Major Development. In addition, the Drainage Area Maps show that the impervious coverage at the site is being reduced by 41 sf. Therefore, water quality measures are not required.
49. It shows on the Landscaping Plan (sheet C-7.1) that Ilex Meserveae 'Centennial Girl' is proposed at the front (street side) of the surface parking lot. In addition, the Plant Schedule shows that they will be 6' – 7' high. The Landscape, Lighting and Open Space section in the Second Amendment to Downtown Redevelopment Plan states that



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"Landscaping shall be maintained with shrubs not higher than four (4) feet, except where a taller buffer or visual screen is required, and with the branches of shade trees no lower than eight (8) feet at anticipated maturity". Therefore, the Applicant should address the Board to demonstrate that a greater height than 4 ft is required at this location. In addition, a note should be added to the plans stating that the shade tree branches will be trimmed as necessary to provide the required clearance at maturity.

50. The Landscape, Lighting and Open Space section in the Second Amendment to Downtown Redevelopment Plan states that *"All street frontage within the Area shall be landscaped with appropriate street trees planted at an interval of 25'-40' depending on species and shall be no less than 2 ½ inch caliper"*. The Applicant should address the Board to demonstrate compliance with this requirement.
51. The Traffic and Parking Assessment Letter Report demonstrates that the proposed development will not significantly impact the operations of the adjacent roadway network and adequate on-site parking will be provided.
52. The headings on Table 1 in the Traffic and Parking Assessment Letter Report under Weekday Morning Peak Hour and Weekday Evening Peak Hour must be corrected to read Enter – Exit – Total.
53. The Hydrology Report uses the NRCS TR-55 method to calculate the existing and proposed condition peak flows. The worksheets show that a minimum time of concentration of 10 minutes was used which is incorrect. The TR-55 method requires a minimum time of concentration of 0.1 hour or 6 minutes. Therefore, the Hydrologic Report must be revised accordingly.
54. The Drainage Area Maps show that the soils at the site are primarily URDUNB with a very small area of USDUNB soils. The Custom Soil Resource Report in the Hydrologic Report shows that USDUNB soils are Hydrologic Soil Group A while URDUNB soils are unranked. The Custom Soil Resource Report also shows that URDUNB soils consist of sandy loam and loamy sand which fits the description for Hydrologic Soil Group A. However, the worksheets in the Hydrology Report are based on the soils at the site being Hydrologic Soils Group D. This discrepancy must be resolved.
55. As stipulated in Section 25-29.10(b)(1) of the Land Use Regulations, the design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development. It further stipulates in Section 25-29.10(b)(4) that the maintenance plan and any future revisions shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken. Prior to recording, the form of the deed must be approved by the Planning Board Attorney and our office.



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The Applicant is hereby advised that any revised plans or other documents submitted to the Board should be accompanied by a cover letter which addresses each of the comments in this review letter and also details any other changes that have been made to the plans as these may not be readily apparent.



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

MEMORANDUM

To: *Chairman and Members of the
West Orange Planning Board*

From: *John J. Hess, PE, PP, CME
Planning Board Engineer*

Date: *September 18, 2019*

Re: *Application No. PB 19-04
Prism Capital Partners, LLC
Edison Village – Phase 2A
Review of EIS Waiver Request
Preliminary & Final Major Site Plan with
“C” Variances and Tree Removal Permit Application
55 Lakeside Avenue
Block 115, Lot 15
Our File: VWRP0115.01*

CC: *Paul Grygiel, AICP, PP - Township Planning Director
Leonard Lepore, PE – Township Engineer
Patrick Dwyer, Esq. – Planning Board Attorney
Prism Capital Partners, LLC - Applicant
Francis Regan, Esq. – Applicant's Attorney
Stephen J. Powers, PE – Applicant's Engineer
Charles D. Olivo, PE, PP, PTOE – Applicant's Traffic Engineer
Paul DeVitto III, LLA – Applicant's Landscape Architect
Angelo Alberto, RA, PP – Applicant's Architect
Kevin S. Bogerman, PLS – Applicant's Surveyor*

Our office is in receipt of a copy of a September 17, 2019 letter from Francis X. Regan, Esq. with Decotiis, FitzPatrick, Cole & Giblin, LLP of Teaneck, New Jersey to the West Orange Planning Board which requests a waiver from Section 25-13 of the Township Land Use Regulations requiring the submission of an Environmental Impact Statement (EIS) for the subject application. We have reviewed this waiver request and offer the following comments:

1. It states in Section 25-13.1 of the Township Land Use Regulations that *“The environmental impact generated by a land development project necessitates a comprehensive analysis of the variety of problems that may result and the actions that can be taken to minimize those problems. This constitutes an environmental impact statement. In evaluating the environmental impact, the Planning Board and the Zoning Board shall not approve any submission until it determines and finds that the proposed development:*
 - a. *Will not result in appreciable harmful effects to the environment.*



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- b. Has been designed and conceived with a view towards the protection of the regional resources.*
- c. Will not place a disproportionate or excessive demand upon the total resources available for such proposal and for any future proposals."*
- 2. We note that the property in question was previously developed with a 1 story metal clad building, a 2 story metal clad building and three (3) parking lots. The property has also been found to be an "an area in need of redevelopment" and is included in the Downtown Redevelopment Plan.
- 3. As indicated in our September 6, 2019 memorandum, the Demolition Plan (sheet 1.1) shows an existing monitoring well that is to be removed. In addition, it states on the Demolition Plan that decommissioning of the monitoring well is to be performed in accordance with NJDEP requirements and coordinated with the Environmental Engineer prior to any demolition work being performed. The Applicant should address the Board regarding the reasons why a monitoring well was installed at the site and if there are any remaining areas of environmental concern.

Based on the above, our office has no objection to the Planning Board waiving the requirement to submit an Environmental Impact Statement subject to the Applicant demonstrating that any areas of environmental concern at the site have been addressed and either a No Further Action (NFA) or a Response Action Outcome (RAO) letter has been issued for the site.