

STONEFIELD

September 1, 2022

Diana Chandler-Zimmermann
Zoning Board of Adjustment
66 Main Street
West Orange, NJ 07052

**RE: Proposed Renovation & Addition
Block 134.02, Lots 75.03, 79 & 81
66 Franklin Avenue
Township of West Orange, Essex County, New Jersey**

Dear Ms. Chandler-Zimmermann:

Our office is submitting documents on behalf of the Applicant to address the outstanding conditions of the Board's Resolution including comments contained within the latest Board Professional's review letters. Please find the following items enclosed:

ITEM DESCRIPTION	DATED	COPIES	PREPARED BY
Site Plan Set	09-01-2022	6	Stonefield Engineering & Design
Pipe Sizing Analysis	09-01-2022	6	Stonefield Engineering & Design
Truck Turn Exhibit	09-01-2022	6	Stonefield Engineering & Design
USB Hard Drive (Containing Electronic Copies)	--	--	Stonefield Engineering & Design

The following is an itemized response to the comments contained within the Township of West Orange Department of Planning and Development Review Letter dated August 8, 2022. For the sake of brevity, any comments that are statements of fact or have been previously addressed are not included in the response below:

Discussion/Recommendations

Variance Proofs

In B-1 and B-2 Districts, mixed-use developments are permitted as a conditional use in accordance with the requirements of Section 25-24.2b2(m). The proposal complies with all of these requirements. Commercial vehicle parking is not a permitted use, however.

Acknowledged.

The applicant has requested a "d(1)" use variance to permit commercial vehicle parking on the subject property. The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d(1) enables a board of adjustment to grant a variance for a use or principal structure not permitted in the zoning district. A "d" variance may be granted only "in particular cases for special reasons."

Acknowledged.

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In addition, the MLUL at N.J.S.A 40:55D-70c permits a board of adjustment to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a “d” variance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just the applicant or property owner.

Acknowledged.

A variance applicant also must address the “negative criteria,” and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality. The applicant’s planner should provide testimony as to how the above variance proofs are addressed. It is noted the applicant submitted a planning report with the original application, but it has not been updated to address the currently requested relief.

Testimony will be provided regarding the variance proofs.

Site Plan and Architectural Issues

The Township of West Orange Site Plan Review Advisory Board (SPRAB) held a virtual meeting on February 9, 2020. At this meeting, the SPRAB reviewed the above application with the applicant and its attorney, engineer, architect and planner. It was noted at that meeting and in the SPRAB meeting summary memorandum dated February 9, 2021 that the originally submitted plans only included a rudimentary site plan as part of the architectural plans. The applicant has complied with the request to provide a more detailed site plan providing information on grading, drainage, lighting, landscaping and other site improvements. Nearly all of the issues raised in the SPRAB memorandum have been addressed. The only outstanding site plan issue is a request to provide additional information regarding the vehicles proposed to be parked on the site and the parking spaces, including which spaces are intended for commercial vehicles. As noted, two of the parking spaces will be designated as resident-only spaces. Testimony should be provided confirming the usage of the other spaces.

Testimony will be provided regarding the usage of the proposed spaces.

With regard to the architectural plans, two issues raised in the SPRAB memorandum have not been directly addressed:

- The architect was asked to confirm whether the plans provide a second means of egress from the second and third floors as required by code.

Testimony will be provided regarding egress requirements for the development.

- Questions were raised about the attic and its use, as a floor plan of it was not provided. The architect stated it is only intended for storage. The attic floor plan has been provided. In addition, the design of the building has been modified to change the roof from gambrel to gable style, to remove proposed dormers with windows and to make the attic only accessible using pull-down stairs.

Acknowledged.

The applicant’s architect should confirm the above through testimony.

Testimony will be provided confirming the above.

It is recognized the upgrades to the building, reduction in impervious surface and additional landscaping represent improvements over existing conditions. However, the landscape plan originally proposed landscaping only along the front and side property lines. The applicant should discuss whether it would be possible to provide additional evergreens along the rear property line.

~~which would provide buffering taller than the proposed fence.~~ The site plan has been modified to provide a row of 21 evergreen shrubs along the rear property line and one additional deciduous tree along the front lot line adjacent to the site driveway.

Acknowledged.

The following is an itemized response to the comments contained within the CME Associates Review Letter dated August 10, 2022. For the sake of brevity, any comments that are statements of fact or have been previously addressed are not included in the response below:

B. Design Comments:

1. *Based on our review of the submitted documents, we request that the following additional information be submitted as stipulated on the Site Plan / Subdivision Checklist:*

- a. *Item #46 - Solid waste management plan.*

A Solid Waste Management Plan will be submitted under separate cover.

- b. *Item #52 - Plans and legal documents for compliance with West Orange COAH Ordinance.*

Testimony will be provided regarding the applicability of the West Orange COAH Ordinance to the proposed development.

2. *The Applicant has requested the following waivers:*

- a. *Item #31 - Contours to extend at least 200' beyond subject property.*

Acknowledged.

- b. *To permit a 6 ft high chain link fence with privacy slats in the front yard whereas Section 25-8.4a stipulates that 4 ft high fences not more than 50% solid are permitted in the front yard.*

Acknowledged.

3. *The Sustainability Checklist Form submitted by the Applicant is blank. Therefore, it remains for the Applicant to submit a completed Sustainability Checklist Form which details the sustainable design features that are proposed for this project.*

Testimony will be provided regarding the applicability of the Sustainability Checklist Form to the proposed development.

4. *The Applicant has submitted architectural plans which are unsigned and unsealed. It remains for the Applicant to submit signed and sealed copies of the architectural plans to the Board as required by the Site Plan / Subdivision Checklist.*

Signed and sealed Architectural Plans will be provided under a separate cover.

5. *The architectural plans and the site plan drawings include Planning Board approval blocks. The approval blocks must be revised to reference the Zoning Board of Adjustment rather than the Planning Board.*

The signature block on the enclosed Site Plan Set has been adjusted accordingly. The Architectural Plans with updated signature block will be submitted under a separate cover.

6. *It shows on sheet C-4 that the trash enclosure will be located between the existing shed and the southerly property line. Based on the proposed curb layout shown on the plan, we find that there is not enough room for a trash truck to access the trash enclosure area. Therefore, the Applicant should address the Board regarding how trash will be collected at the site.*

Testimony will be provided.

7. *It remains for the Applicant to submit a truck turning template to the Board to demonstrate that adequate maneuvering room is available for the vehicles anticipated to use the site including trash trucks, emergency vehicles and trucks associated with the commercial use of the site.*

Truck Turning Exhibit has been included in this submission package and supporting testimony will be provided.

8. *It states on sheet C-4 that an electronic sliding gate with keypad operator is proposed at the entrance to the site. Details of the gate and the keypad operator must be added to the plans.*

Proposed gate detail will be provided as a condition of approval.

9. *It shows on sheet C-4 that the Applicant proposes to install "Resident Only" signs to reserve two (2) of the parking spaces for residents of the proposed apartment. It remains for a detail of the "Resident Only" signs to be added to the plans.*

The Resident Parking Only Sign Detail has been added to the Construction Details (Sheet C-11, Detail #1).

10. *It states in the previously submitted Stormwater Management Statement that the area of disturbance will be 10,352 sf and the new motor vehicle surface will be less than 0.25 acres. Since the area of disturbance will be less than 1 acre and the new motor vehicle surface will be less than 0.25 acres, the project is classified as a Minor Development. In addition, the Stormwater Management Statement demonstrates that the impervious area will be decreased by 399 sf and there will be no increase in the post-development runoff leaving the site for the 2, 10 and 100 year storms.*

Acknowledged.

11. *It shows on sheet C-5 that the Applicant proposes to install two (2) Type B inlets along the southerly property line to collect the runoff from the parking lot. In addition, the roof leaders from the building are to be connected to the Type B inlet closest to the street. The Applicant then proposes to install an 8" PVC pipe which will discharge to a doghouse manhole which will be installed on the existing Franklin Avenue.*

Acknowledged.

12. *It remains for the Applicant to provide calculations to demonstrate that the proposed storm sewer pipes have adequate capacity to handle the peak flows that are anticipated.*

Pipe sizing analysis has been included in this submission package, which demonstrates capacity for the 25-year storm.

13. *Sheet C-10 includes a 6' High Chain Link Fence detail. Note 2 on the detail states that it only applies to fence without privacy slats whereas the Applicant has proposed a fence with privacy slats. Therefore, it remains for the discrepancy to be resolved.*

The 6' High Chain Link Fence detail on the Construction Details (Sheet C-10, Detail #10) has been revised to correct Note 2.

14. As a condition of any approval granted by the Board, it is our recommendation that the Applicant be required to consolidate the three (3) existing lots. Prior to recording, a copy of the proposed Deed of Consolidation must be submitted to the Board for review and approval by the Board Attorney and our office. In addition, the proposed lot number for the consolidated parcel must be approved in writing by the West Orange Tax Assessor.

Acknowledged.

C. Lighting Comments:

1. The Applicant requires a waiver from Section 25-14.2 as the proposed parking lot lighting is under the 2.0 footcandles required. However, we note that the proposed lighting meets IES (Illuminating Engineering Society) standards and appears to be sufficient as proposed.

Acknowledged.

2. It remains for the plans to be revised to provide isolux pattern details including a scale and graph for Fixture B.

The isolux pattern details for Fixture B has been added to the Construction Details (Sheet C-12, Detail #2)

3. It remains for the plans to be revised to provide the manufacturer's catalog cut and ordering information for the proposed light pole. Also, provide the color and finish for the proposed pole.

The cut sheet for the proposed light pole will be provided in advance of construction.

4. It remains for the plans to be revised to indicate timers and hours of operation for the proposed light fixtures.

Testimony will be provided regarding the proposed hours of operation of the proposed light fixtures.

D. Landscaping Comments:

1. In accordance with Section 25-11.3b, a twenty (20) feet wide buffer strip planted as indicated above is to be provided along the east property line; whereas the Applicant has provided a buffer strip with a width of 5.1 feet.

Acknowledged.

The following is an itemized response to the comments contained within the CME Associates Review Email dated August 18, 2022. For the sake of brevity, any comments that are statements of fact or have been previously addressed are not included in the response below:

1. The passenger car and the F-550 truck turning movements appear to be acceptable.

Acknowledged.

2. The F-550 truck with trailer turning movements will be difficult as it requires multiple back and forth movements in order to position the trailer in a parking space. The turning movements only work if the 2 parking spaces in front of the shed are vacant and available for use by the F-550 truck.

The F-550 with trailer turning movements have been revised per the updated parking layout.

3. *The fire truck turning movement shows the front fender of the truck getting very close to the keypad for the gate. In addition, the fire truck will have to back out of the site when leaving. It is likely that a fire truck would park on the street rather than attempting to enter the site if a fire were to occur.*

The fire truck turning movement has been revised to reflect the correct dimensions of the West Orange Fire Truck provided by the Fire Chief.

4. *The Applicant has not submitted a turning movement plan for the trash trucks that will service the site.*

Testimony will be provided regarding the trash collection.

Should you have any questions regarding the submission items or responses above please do not hesitate to contact our office.

Best regards,



Joshua Kline, PE
Stonefield Engineering and Design



Afton Savitz, PE
Stonefield Engineering and Design

Sent via FedEx to Addressee

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