



TOWNSHIP OF WEST ORANGE

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Department of Planning and Development

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TO: Planning Board Members

FROM: Paul Grygiel, AICP, PP, Planning Director

DATE: September 15, 2022

RE: **PB-22-10/Altera 769, LLC**
Block: 166.15; Lot: 9; Zone: OB-1/Office Building District
769 Northfield Avenue
Final major site plan and variance approvals

INTRODUCTION

The applicant received preliminary major site plan, final major site plan approval for Phase I and variance approvals in March 2022. The current application is for final major site plan approval for Phase 2. This phase includes construction of 54 additional parking spaces and related improvements. The proposed design has reduced the amount of steep slope disturbance, but still requires two variances. The subject property is located in the OB-1 zone. The existing and proposed use is permitted. There are certain preexisting nonconformities with regard to bulk standards that are not being changed, and variances from certain requirements were previously granted.

LAND USE/CIRCULATION

The subject property consists of one tax lot with an area of 212,742 square feet (4.88 acres) and is located on the north side of Northfield Avenue between Dogwood Road and Vizcaya Boulevard. It is relatively narrow and deep, and is developed with a three-story office building with a gross floor area of 67,803 square feet. The site has two one-way entrance and exit driveways. There is an easement that allows the property to the east to utilize the subject property for ingress and egress.



There is a mix of land uses in the surrounding area, including a nursing home to the west, a house of worship to the east, and office, commercial, institutional and industrial uses on Northfield Avenue. There are also residential uses in the vicinity, including directly to the northeast and northwest of the subject property. Site photographs taken on September 15, 2022 showing current conditions in the general location of the Phase 2 improvements are included at the end of this memorandum.

Northfield Avenue is a five-lane County Road (Route 508), with two travel lanes in each direction and a center lane for left turns. There is no on-street parking permitted on the section of Northfield Avenue in the vicinity of the subject property. Bus stops for New Jersey Transit's 73 line are located a short distance to the east and west of the subject property. There are sidewalks on the north side of Northfield Avenue to the east and west of the subject property, but there is a gap in the sidewalk network on the subject property, which will be filled in as part of the approved Phase I site plan.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Site Plan (15 sheets)	Robert J. Colucco III, P.E.	8/17/22
Steep Slope Calculations (2 sheets)	Robert J. Colucco III, P.E.	8/17/22
Vehicle Circulation Plan - Refuse	Robert J. Colucco III, P.E.	8/17/22
Stormwater Management Report	Robert J. Colucco, P.E.	August 2022
Stormwater Management Facilities Operation & Maintenance Manual	Robert J. Colucco, P.E.	August 2022

VARIANCES REQUIRED

SECTION/REQUIREMENT	PERMITTED	PREVIOUSLY APPROVED	CURRENTLY PROPOSED
25-28.8.c Maximum disturbance of slopes of 20 to 25%	20%	Phase 2: 39.7%	Phase 2: 30.8%
25-28.8.c Maximum disturbance of slopes of 25% or greater	0%	Phase 2: 35.2%	Phase 2: 34.4%

DISCUSSION/RECOMMENDATIONS

As noted, the applicant has received certain approvals to renovate an existing office building, modify site circulation and expand the parking lot. The floor area of the building is not proposed



to change. The primary change is to create a drop-off lane and a separate lane with a row of handicap parking spaces to the rear of the building. Certain existing parking spaces would be removed and circulation aisles modified to provide for these changes. The parking lot would be expanded to the north to provide replacement parking spaces. A fenced 10 foot by 20 foot trash enclosure is proposed at the southeastern corner of the expanded parking lot.

The application includes two phases. Phase 1, for which approval has been granted, will include remodeling of the building, upgrades for Americans with Disabilities Act (ADA) compliance, modification of site grades and replacement of parking spaces to maintain the same number of spaces. The applicant originally indicated Phase 2 will only be constructed if required by one or more future tenants, and would provide additional parking and stormwater management facilities. The applicant is seeking to add 54 parking spaces in Phase 2, for a total of 282 parking spaces.

The overall layout of the Phase 2 improvements, including number and location of parking spaces, appears to be unchanged from the previously reviewed site plan. The applicant's engineer should confirm whether this is the case, as well as note any changes on the Phase 2 plans compared to those reviewed previously, such as for landscaping and lighting.

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-60 permits a planning board to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a "d" variance as part of site plan or subdivision review. The variance proofs are the same as for "c" variances as set forth in N.J.S.A. 40:55D-70c. 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. A "c" 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 for the two requested variances.

It is noted this application was reviewed by the Township of West Orange Site Plan Review Advisory Board (SPRAB) on February 8, 2022, and the applicant has responded to all of the site plan and design issues raised at this meeting. Therefore, further review by the SPRAB is not required.







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