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MEMORANDUM

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

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

Date: *June 7, 2023*

Re: *Application No. PB 21-01
West Orange Plaza
Review #2
Preliminary & Final Site Plan with
"C" Variances and Tree Removal Permit Approval
235 Prospect Avenue
Block 152.01, Lots 1445 & 1445.05
Our File: VWRP0152.01*

CC: *Paul Grygiel, AICP, PP - Township Planning Director
Leonard Lepore, PE – Township Engineer
Diana McGovern, Esq. – Planning Board Attorney
West Orange Plaza - Applicant
Gregory D. Meese, Esq. – Applicant's Attorney
J. Michael Petry, PE, PP, RA – Applicant's Engineer
Gary Dean, PE – Applicant's Traffic Engineer
John M. Montoro, RA – Applicant's Architect
James Welsh, LLA – Applicant's Landscape Architect
John McDonough, PP – Applicant's Planner*

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 approval:

- A set of Preliminary & Final Major Site Plan drawings (17 sheets) prepared by J. Michael Petry, PE, PP, RA with Petry Engineering, LLC of Fairfield, New Jersey and bearing a latest date of April 24, 2023.
- A set of Truck Turning Movements plans (5 sheets) prepared by J. Michael Petry, PE, PP, RA dated May 4, 2023.
- A set of architectural plans (15 sheets) prepared by John M. Montoro, RA with The Montoro Architectural Group of Saddle River, New Jersey and bearing a latest revision date of May 5, 2023.
- A set of landscape plans (9 sheets) prepared by Allen E. Juba, LLA with MKW + Associates, LLC of Rutherford, New Jersey dated May 5, 2023.



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- A print of an ALTA/ACSM Land Title Survey (1 sheet) prepared by Gary A. Veenstra, PLS with Langan Engineering and Environmental Services, Inc. of Parsippany, New Jersey and bearing a latest revision date of June 13, 2016.
- A completed Ownership Disclosure Statement, undated.
- An April 27, 2023 letter from J. Michael Petry, PE, PP, AIA to our office which addresses the comments in our April 6, 2023 review memorandum.

In addition, our office previously received the following information as part of the prior submissions for this application:

- A Stormwater Management Report prepared by J. Michael Petry, PE and bearing a latest revision date of March 3, 2023. Included in the Stormwater Management Report is a set of undated drainage area maps (4 sheets) prepared by Petry Engineering, Inc.
- A Stormwater Maintenance Manual prepared by J. Michael Petry, PE dated December 9, 2020.
- A Planning Report prepared by John McDonough, PP with John McDonough Associates, LLC dated December 7, 2020.
- A Traffic Impact Assessment prepared by Gary W. Dean, PE, PP and Elizabeth Dolan, PE with Dolan & Dean Consulting Engineers, LLC of Somerville, New Jersey dated December 16, 2020.
- A completed Application Form dated March 6, 2023.
- An Application Addendum which describes the proposed improvements to the existing shopping center and details the variance relief that is requested by the Applicant.
- An undated West Orange Plaza Ownership Disclosure Statement.
- A completed Site Plan/Subdivision Checklist.
- A completed Sustainability Checklist Form.
- A completed Application for Tree Removal and Replacement Permit dated December 20, 2020.
- An undated Buffer Report which lists the owners of property within 200 ft of block 151, lots 1445 & 1445.05 from the Office of the West Orange Assessor.
- A January 28, 2021 Memorandum from the Township Planning Director, Paul Grygiel, AICP, PP, which summarizes the site plan and design issues that were discussed at the Site Plan Review Advisory Board meeting on January 26, 2021.



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- A March 22, 2023 Memorandum from the Township Planning Director, Paul Grygiel, AICP, PP, which summarizes the site plan and design issues that were discussed at the Site Plan Review Advisory Board meeting on March 21, 2023.
- Copies of the following Planning Board and Zoning Board of Adjustment Resolutions of Approval for the property in question:
 - Zoning Board Resolution ZB-99-26 dated February 15, 2001.
 - Zoning Board Resolution ZB-04-46 dated October 28, 2004.
 - Zoning Board Resolution ZB-05-56 dated January 19, 2006.
 - Zoning Board Resolution ZB-06-35 dated December 21, 2006.
 - Zoning Board Resolution ZB-06-39 dated January 22, 2007.
 - Planning Board Resolution PB-07-35T dated November 7, 2007.
 - Planning Board Resolution PB-07-39T dated November 28, 2007.
 - Planning Board Resolution PB-09-12 dated September 9, 2009.
 - Planning Board Resolution PB-13-14T dated July 9, 2013.
 - Planning Board Resolution PB-13-15T dated September 10, 2013.
 - Planning Board Resolution PB-13-18T dated November 6, 2013.
 - Planning Board Resolution PB-14-12T dated August 6, 2014.
 - Planning Board Resolution PB-14-21T dated November 5, 2014.

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

A. PROJECT DESCRIPTION

The property in question is an irregularly shaped tract located on the northwest corner of the intersection of Eagle Rock Avenue and Prospect Avenue. It also fronts on the easterly side of Terrace Avenue. It is located in the Planned Commercial (P-C) District, the R-5 District and the Inclusionary Housing Overlay (IHO-1) District and has an area of approximately 32.67 acres. The site is presently occupied by the West Orange Plaza shopping center.

The Applicant is seeking Preliminary & Final Major Site Plan approval with variance relief and Tree Removal Permit approval to make improvements to the shopping center. The Applicant proposes the addition of a Target store with a fulfillment center in the former Kmart space. The Applicant also proposes four (4) new freestanding buildings having a combined floor area of 38,702 sf. In addition, the Applicant proposes to convert the existing Mavis Tire building to retail



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space. Finally, the Applicant proposes to make improvements to the site which include modifications to the site access, modifications to the parking areas and upgrades to the site lighting and landscaping..

B. DESIGN COMMENTS

1. Based on our review, we find that the following items from the Township's Site Plan/Subdivision Checklist must be addressed:
 - a) Item #7 – *Proof that taxes are current.*
 - b) Item #14 – *Affidavit of ownership.*
 - c) Item #20 – *Copy and/or delineation of any existing or proposed deed restrictions or covenants.*
 - d) Item #39 – *Spot elevations at corners of all structures.*
 - e) Item #52 – *Plans and legal documents for compliance with West Orange COAH Ordinances.*
2. The Applicant has requested the following waivers:
 - a) Item #22 – *Development stages or staging plans.*
 - b) Item #46 – *Solid waste management plan.*
 - c) Item #48 – *Sight triangles.*
 - d) To permit a parking area setback of 2 ft whereas 5 ft is required by §25-8.1 of the Ordinance.
 - e) To permit 1,20 parking spaces whereas 1,476 parking spaces are required.
 - f) To permit 12 loading spaces whereas 34 loading spaces are required.
 - g) To permit a minimum level of illumination in the parking lot of 0.0 footcandles whereas 1.5 footcandles is required.
 - h) To permit a light pole height of 25ft whereas a maximum light pole height of 18 ft is permitted.
 - i) To permit a retaining wall height of 13.5 ft whereas a maximum retaining wall height of 4 ft is permitted.
3. It shows on the plans that 1,156 parking spaces are proposed including 27 handicap accessible parking spaces and 48 electric vehicle parking spaces. We note that Ordinance 2667-21 provides that each electric vehicle parking space shall count as at least 2 parking spaces for the purpose of complying with a minimum parking space



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requirement provided this shall result in a reduction of no more than 10% of the total required parking. With the 48 parking space credit, the Applicant is providing parking for 1,204 vehicles whereas 1,476 parking spaces are required.

4. Sheet SP-4 shows that 6 electric vehicle charging stations are proposed at the end of the parking aisle opposite Suite A-4. The plan should be revised to clarify if the EV stations will be installed before C.O., within 3 years of C.O. or within 6 years of C.O..
5. It shows on sheet SP-4 of the site plan drawings that a 10 ft x 18 ft refuse enclosure is proposed at the westerly end of Building A. We note that the distance from Unit A-6 to the trash enclosure is approximately 200 ft which appears excessive. The Applicant should address the Board regarding the feasibility of relocating the trash enclosure to a more centralized location.
6. The Applicant should provide testimony to the Board to demonstrate that the trash enclosures proposed for the 4 new buildings will be adequate to handle the trash and recyclables from the tenants in these buildings.
7. It shows on sheet SP-4 that retaining wall 'D' is proposed along the westerly property line behind the proposed Target. The Applicant should address the Board on how the retaining wall can be constructed without encroaching on the neighboring property as a setback of only 2 ft is proposed. In his April 27, 2023 letter, Mr. Petry states that a temporary construction easement will be sought from the adjoining property owner.
8. It shows on sheet SP-4 that retaining wall 'A' is proposed on the westerly side of Building 'D'. We note that this retaining wall will be up to 4 ft high. It shows on sheet SP-4 that the Applicant proposes to install a guard rail along the top side of the retaining wall. Since a sidewalk is proposed along the top side of the retaining wall, it is our recommendation that a fence or railing be installed in lieu of the proposed guard rail.
9. It shows on sheet SP-4 that two (2) retaining walls 'A' are proposed, one on the westerly side of building D and the other behind the main building. For the purpose of clarity, separate designations should be used for each retaining wall.
10. In his April 27, 2023 letter, Mr. Petry states in his response to comment #12 that the wall elevations for the retaining walls behind the main building are shown on sheet LD-1. However, our office has no record of ever receiving a copy of sheet LD-1. Therefore, a copy of this drawing must be submitted to the Planning Board and our office.
11. The Applicant should address the Board regarding the need to provide a loading space for Building 'D'.
12. The proposed development will result in the disturbance of more than one acre. As a result, it is classified as a Major Development and is subject to the stormwater management requirements set forth in §25-29.4 of the Land Use Regulations.



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13. The Applicant proposes to reduce the amount of impervious cover at the site by eliminating the existing slip ramp from Prospect Avenue and by adding landscape islands throughout the parking lot.
14. In his April 27, 2022 letter, Mr. Petry states that a revised Stormwater Maintenance Manual has been submitted to the Board. However, it was not included in the submission that was received by our office. Therefore, it remains for the Stormwater Maintenance Manual to be revised to include the following items:
 - a) The name, address and telephone number of the person responsible for preventive and corrective maintenance must be included in the manual.
 - b) Cost estimates, including the estimated cost of sediment, debris or trash removal, shall be included in the manual.
 - c) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
 - d) The party responsible for maintenance shall perform all of the following requirements:
 - i. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by the Ordinance.
 - e) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, at its discretion, may extend the time allowed for effecting maintenance



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and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or the County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

19. The Stormwater Maintenance Manual 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 reviewed and approved by the Planning Board attorney and our office.

C. TRAFFIC

1. We note that the Traffic Impact Assessment is more than two years old and the traffic counts referenced in the report are over four years old. Therefore, the Applicant should submit an updated Traffic Impact Assessment to the Board.
2. It states on Page 10 of the Traffic Impact Assessment that 1,671 parking spaces are required whereas 1,242 parking spaces are proposed. However, it states on the Site Data Chart on Sheet SP-1 that 1,476 parking spaces are required whereas 1,204 parking spaces are proposed. These discrepancies must be resolved.
3. The naming of the intersections in the Synchro Reports in the Traffic Impact Assessment are not clear. For example: there is an intersection in the report identified as "12" without further information. Please revise accordingly.
4. It shows on sheet SP-2 that drive-thru lanes are proposed adjacent to buildings 'C' and 'D'. The Applicant should provide testimony to the Board regarding the types of restaurants that are proposed and the adequacy of the proposed stacking at each location.
5. It shows on sheet SP-2 that a one way drive aisle with angle parking is proposed along the northerly side of Building 'C'. As presently shown, the customers parking in these spaces will have to traverse the drive-thru lane in order to access the stores in Building 'C'. The Applicant should address the Board regarding their plans to provide a safe route for customers using these parking spaces. In his April 27, 2023 letter, Mr. Petry states that these parking spaces will be utilized by employees.
6. Sheet SP-4 should be revised to add a left-turn only sign for vehicles exiting the Suite 'D-3' drive thru lane

D. LANDSCAPING AND FORESTRY COMMENTS

1. In accordance with §25-11.3 of the Ordinance, a fifty (50) foot wide buffer is required for all commercial property abutting a residential district or use in a residential zone;



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whereas the Applicant has provided a buffer of 10.1 feet, which is an existing condition. A waiver has been requested.

2. In accordance with §25-27.4 of the Ordinance, provide a note on the plans that a tree removal permit shall be secured prior to disturbance. Revise the plans to graphically depict and specifically label the location for tree protection fencing in accordance with §25-27.9.
3. Our office notes that the trees to remain at the corner intersection are all invasive Black Locust trees. It is recommended to remove these trees and replant native woodland species in this area instead. Also, the trees noted along the parking lot on both street frontages are in poor condition. It is recommended to remove and replace these trees.
4. Numerous invasive species were noted along the parking lot perimeter behind the existing buildings, including Ailanthus, Black Locust and Japanese Knotweed. Extra measures should not be taken to preserve these species.

E. LIGHTING COMMENTS

1. In accordance with §25-14.1c of the Ordinance, light fixtures shall not exceed a height of eighteen (18) feet; whereas the Applicant has proposed fixtures at 25 feet tall. A waiver has been requested.
2. In accordance with §25-14.1d of the Ordinance, the level of illumination at ground level shall not exceed 0.5 of a footcandle at the property line; whereas light levels spill into the right-of-way of Prospect Avenue.
3. The revised plans indicate light levels will be on timers from dusk to dawn. It does not appear any of the businesses will operate through the overnight hours. Staff recommends dimming light fixtures over night with security lighting at building perimeters. Motion sensing can also be provided on the fixtures to raise light levels when motion is detected.

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.