

John McDonough Associates, LLC

Land Use Planning · Landscape Architecture

PLANNING REPORT

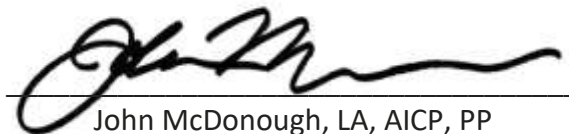
PREPARED FOR

WEST ORANGE PLAZA

FOR PROPERTY LOCATED AT

**235 PROSPECT AVENUE
BLOCK 152.01 LOTS 1445 & 1445.05
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NJ**

(May 19, 2023)

A handwritten signature in black ink, appearing to read 'John McDonough', is written over a horizontal line.

John McDonough, LA, AICP, PP
NJPP License #33LI00518900

The original of this report was appropriately signed and sealed in accordance with laws and regulations pertaining to the practice of Professional Planning in New Jersey (NJSA 45:14A and NJAC 13:41-1.3(b))

Overview

This report is prepared in support of an application filed by West Orange Plaza for preliminary and final site plan approval with variance relief, to make improvements to the existing shopping center located at 235 Prospect Avenue.

The report is generally structured into four segments: a description of existing conditions; a description of proposed conditions; a description of zoning considerations, and analysis of the statutory criteria for grant of the zoning relief sought.

Existing Conditions

The subject site consists of two tax lots (Block 152.01 Lots 1445 and 1445.05) which are located at the northwest corner of Prospect Avenue and Eagle Rock Avenue. The aggregate area comprises approximately 32.67 acres.

Lot 1445 is developed as the West Orange Plaza shopping center, which contains a multitenant retail building with a floor area of approximately 286,860 square feet. Tenants include Staples, Whole Foods, Chipotle, and Jersey Mike's. There is also a Verizon pad site of approximately 2,011 square feet. The total floor area on Lot 1445 is approximately 288,871 square feet.

Lot 1445.01 is a smaller parcel that is developed as an auto repair facility (Mavis Discount Tire). The Mavis repair shop is effectively another pad site at the shopping center, as it is physically interconnected by access, circulation, and parking. The floor area of Mavis is approximately 7,646 square feet. Combined with Lot 1445, the total floor area of the center is 296,517 square feet.

The center was constructed in the early 1960's and is now over 60 years old. A few years ago, the center lost an anchor tenant, Kmart, because of the company's bankruptcy. The center contains little landscaping, older light fixtures, large parking fields, and the parking spaces that are furthest from the buildings are underutilized.

Maps and photos of the site are in **Appendix A**.

Proposed Conditions

The applicant, West Orange Plaza, proposes to modernize the center by constructing additional commercial space and improved site lighting, landscaping and signage. All improvements will be within the existing parking fields and no physical expansion of the parking fields is proposed. There will be two small additions to the main building, totaling approximately 931 square feet.

The proposal includes conversion of the former Kmart space to a Target store with a fulfillment center, and construction of four new buildings with an aggregate square footage of approximately 37,751 square feet. This will increase the overall floor area at the center from approximately 296,517 square feet (including Mavis and Verizon) to approximately 335,199 square feet.

The new buildings and landscape amenities will replace and repurpose underutilized parking areas with more viable use of space. The proposal will add landscaped boulevard entrances and outdoor patio spaces, and will eliminate approximately 79 unnecessary parking spaces. The project will

substantially enhance the appearance of the shopping center and bring new vitality to this older center. Although a variance is required, the total proposed parking supply of 1,204 spaces is an appropriate ratio for shopping centers.

Based on industry standards such as those published by the Institute of Transportation (ITE) and the Urban Land Institute (ULI), the parking ratio for shopping centers ranges from 3.0 to 4.0 per 1,000 square feet of floor area. The proposed ratio is 3.59 spaces per 1,000 square feet.

A breakdown of floor area by buildings and use categories is provided in **Tables 1 and 2** below.

Table 1 ~ Breakdown of Floor Area – By Buildings

Building Identification	Existing Floor Area	Proposed Floor Area
Main Building *	286,860 SF	287,791 SF
Verizon	2,011 SF	2,011 SF
Mavis	7,646 SF	7,646 SF
A	---	15,794 SF
B	---	8,055 SF
C	---	8,400 SF
D	---	5,502 SF
Totals	296,517 SF	335, 199 SF

* The main building has 2 levels: Main (172,766 SF) + Lower (114,094 SF)

Table 2 ~ Breakdown of Floor Area – By Use

Building Identification	Retail (SF)	Rest'nt (SF)	Storage (SF)	Office (SF)	Med (SF)	Totals (SF)
Main Building	169,131	6,715	106,784	5,161		277,648
Verizon	2,011	---	---			2,011
Mavis	---	---	---		7,646	7,646
A, B, C, D *	24,528	13,223	---			37,437
Totals	195,670	19,938	106,784	5,161	7,646	324,742
Parking/1,000 SF	250	45	600	250	150	
Required Parking	782.6	443.0	178.0	20.6	51.0	1,475.2

* Restaurant area based on 35% of the floor area for buildings A, B, C, and D

Zoning Considerations

The site is split-zoned but all improvements are in the P-C Planned Commercial District. The zone is a permissive zone aimed at economic development and a wide variety of active uses. Permitted uses include retail stores, personal services, restaurants, bars, civic centers, and theatres. The proposed principal uses are intended to be consistent with those permitted in the P-C zone.

As indicated by Table 2 above, the application requires parking relief to provide 1,204 off-street spaces whereas 1,475 are required. As noted, the proposed parking supply will meet the actual demand, based on industry standards. Parking relief was also recently granted at Essex Green. The application also includes a report by a traffic expert in support of the parking relief.

In addition to the use relief and parking relief noted above, the application seeks dimensional relief related to building setbacks and signage. All buildings are to be positioned within the confines of the existing shopping center and the established limits of disturbance are not changing or expanding. The proposed signage is attractive, appropriate in scale and will help to maintain the viability of the center.

Lastly, the application seeks design relief related to the number of loading spaces and lighting which are all a function of the existing shopping center condition and/or reasonably appropriate for safe and efficient site operations and improved site aesthetics.

Planning Justifications for Relief

Land use planning operates within a legal framework. The land use law recognizes that zoning is not meant to be rigid and inflexible and gives land use boards authority to grant relief subject to defined statutory criteria.

The statutory criteria for grant of all relief is justified under the “flexible c” balancing test at N.J.S.A. 40:55D-70.c.(2) whereby the benefits of the application substantially outweigh the detriments.

In considering the balancing, our courts direct boards to consider the application as a whole (Pullen v. Tp. of South Plainfield, 291 N.J. Super. 1, 8 (App. Div. 1996)). All the relief sought is necessary to effectuate the overall enhancement of the center and the betterments cited above.

Positive criteria

The statutory positive criteria are satisfied because the project will promote the goals and objectives of the West Orange Master Plan, which was updated and adopted in December 2019. The promotion of a vibrant, viable, and stable commercial base is a recurring theme. The Master Plan recommends that permitted uses in commercial zones should be modified where appropriate, in recognition of market changes for retail and other uses.

The proposed improvements will add to the visual quality of the site and give it a fresh new look. Retail more than any other land use needs to stay fresh in the public, especially considering competition from online sales, e-commerce, and internet shopping. The outdoor patio spaces provide an amenity that is currently lacking and one that has become more popular.

The project also promotes the planning goals for efficient land use and variety of uses in appropriate locations. For the reasons set forth above, the proposal promotes fundamental purposes of zoning under N.J.S.A. 40:55D-2, especially purposes “a”, “g”, “h”, “i”, and “m”.

Negative criteria

The statutory negative criteria are satisfied because the relief can be granted without substantial detriment to the public. The project has been designed to flow, function, and operate safely and efficiently. The upgrades will improve circulation, operations, and aesthetics.

The statutory negative criteria are also satisfied because relief can be granted without substantial impairment to the zone plan. The project will deliver permitted uses and a newly renovated shopping center with a new anchor tenant, which is consistent with the Master Plan goal for a vibrant and viable commercial base.

Individual relief

The relief for parking count (1,204 vs 1,475) is justifiable based on the applicant's traffic expert and because the supply meets accepted industry standards for shopping centers. Additional parking is unnecessary and wasteful and would serve no practical planning purpose.

In addition to parking relief, the application seeks the specific relief listed below.

- Front yard setback from Prospect Avenue, whereby a minimum of 300 feet is required and less than 300 feet is provided for Building A (268.3 feet), Building B (135.9 feet), Building C (65.4 feet), and Building D (72 feet).
- Side yard setback, north side, whereby a minimum of 100 feet is required and less than 100 feet is provided for Building A (50.7 feet) and for Building B (60 feet).
- Side front yard corner, south side, whereby a minimum of 100 feet is required for Building D and 68.6 feet is provided.
- Rear yard setback, whereby a minimum of 75 feet is required and 39.6 feet is provided for the future loading dock.
- Building separation, whereby a minimum of 150 feet is required and 90.3 feet is provided between Building A and the Main Building; 38 feet is provided between Building A and Building B; and 54.2 feet is provided between Building B and Mavis Building.
- To permit a parking area setback of 2 feet, rather than 5 feet
- To permit 12 loading docks where 34 loading docks are required and to permit some loading docks outside of the structure
- To permit certain portions of the parking area to have 0.0 footcandles of lighting where a minimum of 1.5 footcandles are required;
- To allow certain light poles to be 25 feet in height, rather than 18 feet high;
- To permit a retaining wall height of 13.5 feet, rather than 4 feet; and

- To permit a drive-thru in the front yard and a drive-up window within a yard setback where same is not permitted.
- The existing and proposed parking is located within the front yard setback, and while extensive additional landscaping is proposed, the proposal deviates from the Code requirement of a landscaped island for every twenty parking spaces.

The applicant also requests variances related to the proposed shopping center identification signs and individual business unit signs, as follows:

- To permit multiple wall signs at the following locations: Space A-1 on the west side elevation; Space A-6 on the east side elevation; Space B-1 on the west side elevation; Space B-3 on the east side elevation; Space B5-A on the south and east side elevations; Space B5-B on the north and east side elevations; Space C-1 on the east and west side elevations; Space C-2 on the east side elevation; Space C-3 on the east side elevation; Space 1M-A on the east and north side elevations;
- To permit three pylon signs and a monument sign where only one freestanding sign is permitted;
- To permit two freestanding signs having an area of 260 square feet, a height of 28 feet and width of 16 feet, where an area of 150 square feet, a height of 20 feet and a width of 15 feet is permitted
- To permit a freestanding sign having an area of 338 square feet, a height of 36 feet and a width of 16 feet where an area of 150 square feet, a height of 20 feet and a width of 15 feet is permitted;
- To permit the pylon signs to be set at the property line, rather than having a setback of 50 feet; and to permit a monument sign with a width of 15 feet where a width of 6 feet is permitted.

The relief identified above is justifiable under flexible “c” balancing, for the following reasons:

1. All the buildings and associated setback relief are necessary to effectuate the overall enhancement of the center and the betterments cited above.
2. All buildings are being positioned within the confines of the established shopping center. The perimeter of the site includes a landscaped edge which will be preserved and enhanced to provide buffering and screening to mitigate any setback-related impacts.
3. Pad sites close to the street are an effective way to bring large retail centers to the street. Pad sites close to the street provide visibility and accessibility which aid in attracting patrons to the entire center and enhance the overall viability of the center.

4. Pad sites in front of the building, together with the outdoor dining areas and landscaping will serve to break up the expanse of asphalt that presently exists on the site. This promotes efficient land use by putting underutilized commercial space to functional use and promotes a desirable visual environment.
5. On the north side, there is a significant grade differential between the residential development to north and the subject site, with the residences much lower in elevation. This provides a physical divide that further mitigates any setback-related impacts.
6. The existing Mavis auto repair facility is much closer to the north boundary than the proposed Buildings A and B.
7. The overall lot coverage is being reduced and the proposed building coverage is below the allowance of the ordinance. The proposal is making the site “greener” with attractive entrance boulevards, additional landscaped areas and buffers and more than 100 new trees.
8. The side yard setback relief on the north side of the site is needed to allow sufficient parking in front of stores. The applicant has proposed to shift the location of the northern access aisle to the south to accommodate same, but a side yard setback variance is necessary to provide for a sufficient ratio of convenient parking. This represents a better zoning alternative for the site.
9. The sign variances relate to a desire to enhance the aesthetics of the sign structures and improve the visibility of the tenants of the center which add to the vitality of the center, now and for the long term.

The design related relief is justifiable under the more relaxed standard of reasonableness and impracticability per N.J.S.A. 40:55D-51. The loading supply accommodates the needs of the center with every group of buildings having convenient loading; and the lighting levels provide an effective balance of safe and aesthetic site illumination without causing objectionable offsite glare.

Conclusion

The application represents a substantial investment in a shopping anchor in West Orange. The improvements continue the applicant’s longstanding commitment to the site and the community. The result will enhance the image and identity of the center, the area, and the town.

The application is consistent with good planning practices for orderly community growth and development. The statutory criteria for grant of all the relief sought are met, and approval is warranted.

Qualifications of Preparer

John McDonough Associates, LLC is a land use planning and landscape architecture consulting firm with office location in Parsippany, New Jersey.

John McDonough, LA, PP, AICP is a licensed professional planner and landscape architect in the State of New Jersey. Both licenses are current and in good standing. He is also a member of the American Institute of Certified Planners.

All licenses have been obtained through requisite showing of educational and experience requirements and passing of license examinations (none have been achieved through reciprocity) and have been maintained through participation in mandatory continuing education courses.

John McDonough has been practicing as a land use consultant for over 30 years. He has been recognized as an expert in land use matters before hundreds of boards and commissions throughout the State of New Jersey, and in Superior Courts.

He has been a regular speaker at the League of Municipalities annual conference on a variety of land use topics and has been a regular special guest lecturer at the Rutgers University Bloustein School of Planning and Public Policy.

Appendix A – Site Maps & Photos

Site maps are appended by reference herein and provided on companion 11x17 document.

Site photos are provided on the following pages.



Figure 1 – View of subject site (taken March 12, 2020 – BEFORE covid-19 lockdown)



Figure 2 - View of subject site (taken March 12, 2020 – BEFORE covid-19 lockdown)



Figure 3 View of subject site (taken March 12, 2020 – BEFORE covid-19 lockdown)



Figure 4 View of subject site (taken March 12, 2020 – BEFORE covid-19 lockdown)



Figure 5 View of subject site (taken March 12, 2020 – BEFORE covid-19 lockdown)



Figure 6 View of subject site (taken March 12, 2020 – BEFORE covid-19 lockdown)



Figure 7 View of subject site (taken March 12, 2020 – BEFORE covid-19 lockdown)



Figure 8 View of subject site (taken March 12, 2020 – BEFORE covid-19 lockdown)



Figure 9 View of subject site (taken March 12, 2020 – BEFORE covid-19 lockdown)



Figure 10 View of subject site (taken March 12, 2020 – BEFORE covid-19 lockdown)



Figure 11 – Aerial drone view of subject site looking north (taken by John McDonough Associates on March 20, 2023)



Figure 12 – Aerial drone view of subject site looking west (taken by John McDonough Associates on March 20, 2023)