

MEMORANDUM

TO: Township of West Orange Planning Board

FR: Gerard M. Haizel, PP, AICP, Principal

**RE: PB-24-01 – West Essex Highlands
Block 179, Lots 32**



DT: June 30, 2024

The following is prepared on behalf of the West Orange Planning Board. The information is for advisory purposes only and is intended to assist the Board's decision-making process. Below are descriptions of the projects based on the supplied plans and documentation as well as commentary on issues evident from them.

Items Reviewed

In preparation of this report, I have reviewed the following items:

- ✓ Township of West Orange Application form for the Planning Board or Zoning Board of Adjustment, dated December 12, 2023.
- ✓ Written Proposal – Planning Board of the Township of West Orange, West Essex Highlands, Inc. (Block 179, Lot 32), Application No. PB-24-01
- ✓ Settlement of Litigation Agreement between Township of West Orange, West Essex Highlands, Inc. and West Essex Highlands Condominium Association, Inc.
- ✓ Plans – Preliminary and Final Site Plan, West Essex Highlands, Block 179, Lot 32, Tax Map # 130, Township of West Orange, Essex County, New Jersey, consisting of sixty-six (66) sheets, with most recent date of 5-6-2024, prepared by Paul W. Anderson, PE of Anderson Consulting Services, LLC.
- ✓ Plans – West Essex Highlands, Township of West Orange, Essex County, New Jersey, consisting of twenty-four (24) sheets, with most recent date of 5-13-2024, prepared by Laurance D. Appel, RA of Appel Design Group.
- ✓ Site Plan Review Advisory Board Report dated March 18, 2024.
- ✓ Exhibit A – Concept Plan

- ✓ Exhibit B – Township of West Orange, Draft Proposed Zoning Amendments West Essex Highlands Property.
- ✓ Exhibit C – Design Terms and Conditions.
- ✓ Exhibit D – Association Terms and Conditions.

Project Summary

On property located in the Township's ***IH-1 (Inclusionary Housing) District***, the applicant, **West Essex Highlands, Inc.**, proposes to develop a four hundred and ninety-six (496) unit residential development, of which one hundred (100) units will be designated affordable units. The proposed development will also include resident amenities including a clubhouse with a swimming pool, among others. The applicant also proposes onsite improvements for sewer, water, drainage and lighting.

The proposed development is a result of a Settlement of Litigation Agreement (dated April 2020), between West Essex Highlands, Inc. (the Applicant), West Essex Highland Condominium Association and the Township of West Orange. The Settlement Agreement was approved pursuant to a court order in connection with litigation filed by the Township seeking compliance with its obligation to provide affordable housing within the Township.

The Ordinance to establish the IH-1 District, in which the subject site is located, was adopted by the Township as part of this Settlement Agreement. The Settlement Agreement was included in the application package.

The proposed multifamily development **is permitted** as a principal use in the IH-1 District, with the proposed amenities permitted as accessory uses. The applicant is also seeking preliminary and final site plan approval for this application.

Development Summary

Building	Dwelling Units	Required Parking (Spaces)	Garage (Enclosed)	Surface Parking (Spaces)	Total Parking
A-1	63	124.5	175	90	265
A-2	59	117.6			
B	69	134.6	73	68	141
C	139	268.6	203	84	287
D-1	80	154.4	293	90	383
D-2	86	166.7			
Total	496	966.4	744	332	1,076

Project Description

The subject site encompasses a total of 120-acres, located in the northwestern area of the Township and is bordered by the West Essex Highlands Condominium and The Grande at Pleasantdale Chateau single-family development to the south, the Mayfair Drive and Rosemont single-family developments to the east, Howell Drive to the north, and the Township of Essex Fells to the West. The site is unimproved and heavily vegetated with mature trees.

Primary access to the subject property will be from Kuzik Drive and Warner Road from the south, via Oval Road and Eagle Rock Avenue. The applicant has committed to installing a traffic signal at the intersection of Eagle Rock Avenue and Oval Road, to manage the anticipated increased number of vehicles accessing the site.

The layout of the site calls for four (4) 4-story residential buildings, which will be situated at the approximate center of the site. Each building will include a mix of one, two and three-bedroom apartments, some of which will include a den. The proposed development will include a total of four hundred and ninety-six (496) apartments, of which 20% or one hundred (100) will be designated as affordable units.

The site is characterized by a varied topography, which the applicant will use to incorporate parking garages under each of the residential building.

Plans show the site being accessed from the south from Kuzik Drive, which will be extended onto the site, where it will be 22-feet in width and will be lined with a 4-foot-wide sidewalk on each side. Once on the subject site, the roadway will extend past the proposed location of the dog park before extending to the east, with proposed Building A (A-1 and A-2) on the southern side and Buildings B and C on the opposite (northern) side.

The road will extend further east, past the proposed location of the Clubhouse on the northern side. At the point where the roadway passes the Clubhouse, there is a proposed traffic circle from which an extension of Warner Road extends to the south. From the traffic circle, the main roadway will curve to the south and then around to the north, where it will enter the surface parking area in front of Building D (D-1 and D-2). The driveway from the parking lot will extend to a proposed turn around, which will allow vehicles to egress the site back on the same route. Plans show the main roadway ending at the point of the proposed turnaround, with only a gated emergency access roadway extend further to the north, where it will access a cul-de-sac on Howell Drive.

Just inside the entry to the development from Kuzik Drive to the southeast of proposed Building A, is proposed a 2-story maintenance building, which will include a maintenance office and storage on the 1st floor and two (2) two-bedroom apartment on the 2nd floor.

To the south of the maintenance building is proposed a dog kennel building, which will include a washing station and training area in the basement. On the 1st floor is proposed a dog clinic and an office, while two additional offices are proposed on the 2nd floor. To the south and east of the kennel building is the proposed a fenced in dog park.

Building A (A-1 & A-2)

Building A is the first residential building that will be accessible upon entering the site. This building will be a single elongated structure, which is divided into two (2) sections, A-1 and A-2 above the garage level. From the main roadway, an ingress/egress driveway will be located on the eastern side. Immediately upon entry to the driveway on the right (south) is the parking area adjacent to the maintenance building and kennel building/dog park, where eighteen (18) stalls are proposed. The driveway will continue to the east into the surface parking lot on the southern side of Building A. Here there are ninety (90) parking stalls proposed, arranged in two (2) rows, separated by a 24-foot-wide driveway. At the eastern end of the parking lot is a proposed turn around.

A garage is also proposed on the lowest level of the building. Because of the topology of the site, the garage level will be partially below grade, with four (4) residential floors above. Access to this garage will be by way of a located two-way ingress/egress driveway from the surface parking lot. The garage will include one hundred and seventy-five (175) parking stalls.

There are a total of one hundred and twenty-two (122) apartments proposed in Building A. The residential floors of the building (1st through 4th) are divided into two sections, A-1 and A-2. The area between each section of the building, located on the rooftop of the garage below, will be used as an open courtyard amenity.

The proposed unit mix will include one, two, two and three-bedroom apartments, including some with and without dens. The chart below provides a breakdown of unit types and their distribution throughout each section of the building.

Bldg A-1 Floor	Market Rate Units							Affordable Units				Grand Total
	1-BR	1-BR w/Den	2-BR	2-BR w/Den	3-BR	3-BR w/Den	Total	1-BR	2-BR	3-BR	Total	
Garage												
1 st	-	3	1	4	3	-	11	1	2	1	4	15
2 nd	-	3	1	4	4	-	12	1	2	1	4	16
3 rd	1	3	1	4	4	-	13	-	3	-	3	16
4 th	1	3	3	2	4	-	13	-	3	-	3	16
Total	2	12	6	14	15	-	49	2	10	2	14	63

Bldg- A-2 Floor	Market Rate							Affordable				Grand Total
	1-BR	1-BR w/Den	2-BR	2-BR w/Den	3-BR	3-BR w/Den	Total	1-BR	2-BR	3-BR	Total	
Garag e												
1 st	2	2	1	3	1	2	11	-	2	2	4	15
2 nd	2	2	1	3	2	2	12	-	2	2	4	16
3 rd	-	1	2	3	2	2	10	-	3	1	4	14
4 th	1	2	2	1	2	2	10	-	4	-	4	14
Total	5	7	6	10	7	8	43	-	11	5	14	59

Each section of the building (A-1 and A-2) will have a separate lobby entry, which will be accessible from the southern frontage adjacent to the surface parking lot. Each lobby will contain two (2) elevators and a mail and package room.

On the 1st through 4th residential floors of both sections A-1 and A-2, the elevators will open to an elevator lobby on each floor, with a central corridor that will extend in an east-west orientation. On the 2nd floor, the eastern or western end of the corridor respectively, will open to the proposed outdoor courtyard, located between the two sections, on the rooftop of the garage level below.

Building B

Building B is located to the north across the main roadway from Building A. From the main roadway, there will be an ingress/egress driveway to a surface parking lot, which is proposed on the western side of Building B. This surface lot will accommodate a total of forty-eight (48) parking stalls arranged in two parallel rows, separated by a 24-foot-wide circulation drive.

A garage is also proposed under the residential floors of the building. Access to this garage will be from a two-way ingress/egress from the main roadway. This garage will

accommodate seventy-three (73) spaces. Stalls here will be arranged into two rows, with thirty-two (32) single spaces along the eastern side, and nineteen (19) tandem spaces (with one space directly behind the other), and three (3) additional single spaces along the western side.

Access to the building will be by way of a lobby which will be accessible from an entry on the western frontage, from the surface parking lot and from a second entry on the 1st floor on the eastern frontage. As a result of the topography of the site, both lobby entries are at grade. There are two (2) elevators proposed in the lobby.

There are a total of sixty-nine (69) apartments proposed in Building B, of which sixteen (16) are designated as affordable units. The chart below provides a breakdown of unit types and their distribution throughout the building.

Bldg-B Floor	Market Rate Units							Affordable Units				Grand Total
	1-BR	1-BR w/Den	2-BR	2-BR w/Den	3-BR	3-BR w/Den	Total	1-BR	2-BR	3-BR	Total	
Garage												
1 st	2	1	1	3	4	-	11	-	3	1	4	15
2 nd	4	4	1	1	4	-	14	-	3	1	4	18
3 rd	4	4	1	1	4	-	14	-	3	1	4	18
4 th	4	4	1	1	4	-	14	-	3	1	4	18
Total	14	13	4	6	16	-	53	-	12	4	16	69

On the 1st through 4th floors, the elevator will open to an elevator lobby, with a central double-loaded corridor extending in a north-south orientation, with enclosed staircases accessible on each end.

Building C

Building C is located to the east Building B, on the northern side of the main roadway. Between the two buildings is proposed a surface parking lot, which will accommodate a total of one hundred and four (104) parking spaces. Access to this lot will be from a 24-foot-wide ingress/egress off of the main roadway. Parking stalls here will be arranged into a row each on the eastern and western perimeter and a head-to-head row down the center. There are drop-off areas proposed on both the eastern frontage of Building B and the western frontage of building C from this surface parking lot.

A garage is also proposed under the residential floors of the Building C. Access to this garage will be from a two-way ingress/egress from the surface parking lot on the western frontage of the building. This garage will accommodate two hundred and three (203) spaces. The

garage level will extend out beyond the building envelope on the eastern and northeastern frontages.

As a result of the topology, a lower-level garage is also proposed under the southeastern wing of the building. This lower-level garage will accommodate forty (40) of the total garage spaces. The lower garage will be accessible from a proposed ingress/egress located within a proposed surface lot, which will serve the proposed Clubhouse, located to the south east, between Building C and the proposed Clubhouse.

Access to the lobby of Building C will be located on the western frontage, adjacent to the entry to the garage. There are two (2) elevators proposed in the lobby, as well as a mail and package room. A second lobby is proposed in the southeastern area of the building. This second lobby will include a single elevator and will only be accessible from within the garage.

There are a total of one hundred and thirty-nine (139) apartments proposed in Building C, of which twenty (20) are designated as affordable units. The chart below provides a breakdown of unit types and their distribution throughout the building.

Bldg-C Floor	Market Rate Units							Affordable Units				Grand Total
	1-BR	1-BR w/Den	2-BR	2-BR w/Den	3-BR	3-BR w/Den	Total	1-BR	2-BR	3-BR	Total	
Garage												
1 st	7	7	-	11	5	-	30	1	3	1	5	35
2 nd	7	8	-	11	5	-	31	1	3	1	5	36
3 rd	6	7	-	11	3	2	29	1	3	1	5	34
4 th	9	4	3	8	3	2	29	1	3	1	5	34
Total	29	26	3	41	16	4	119	4	12	4	20	139

On the 1st through 4th floors, the elevator will open to an elevator lobby, with a central double-loaded corridor extending down the center of each floor. The second elevator will open directly to the central corridor in the southeastern area of each floor.

On the 2nd floor, an exterior courtyard is proposed on the roof top of the garage that extends beyond the building facades on the 2nd through 4th floors. This courtyard will be accessible from two hallways off of the central corridor.

Clubhouse

The Clubhouse will be located to the southeast of Building C, on the northern side of the main roadway. The Clubhouse will be served by the surface parking lot located between

the Clubhouse and Building C. This lot will be accessible by a 24-foot-wide ingress/egress off the northern side of the main roadway. There are a total of fifty-five (55) parking spaces in this area.

The clubhouse will include a main floor with amenities including a lounge with a game room and a bar, a private dining room, a co-working area. There is also a three-bedroom apartment located on the main level of clubhouse. The clubhouse will also include a basement with rooms which will include a gymnasium, a yoga room and a conference room. The basement will also include a game room and a party room. Plans also show a 2nd floor, where there is proposed a private club area and terraces.

Building D (D-1 & D-2)

Building D is located to the east Building C, on the outer side of the main roadway. The main roadway will run directly into the surface parking lot located on the western side of the building. There is a total of ninety (90) space proposed in this lot, with stalls arranged into two rows along the eastern and western sides, separated by a 24-foot-wide circulation drive. There is a drop-off area proposed on western frontage of Building D.

A garage is also proposed under the residential floors of the Building D. Access to this garage will be from two (2) two-way ingress/egress from the surface parking lot on the western frontage of the building, with one located on the southern side and the other located at the northernmost end of the building. This garage will accommodate two hundred and ninety-three (293) spaces, one hundred and seventy-four (174) of which are in tandem stalls, with one space directly behind the other.

As was the case with Building C, the topography here allows for a lower-level garage. Access to this lower level is located at the southern end of Building D, where there is an entry driveway off of the main roadway, which extends to the ingress/egress to the lower garage. The lower garage accounts for one hundred and four (104) of the total stalls in the structured parking.

Access to the lobby of Building D will be located on the western frontage at the approximate center of the building, where there is an open lobby area, with a proposed gymnasium located at the rear, eastern side of the lobby. As was the case with Building A, Building D will be separated into two section, D-1 and D-2. Building section D-1 will be located on the northern end and D-2 on the southern end. On each side of the lobby is an elevator, as well as a mail and package room and other amenities, which will serve each section of the building. There is a second elevator located on the northern and southern side of the building to serve each section respectively.

There are a total of one hundred and sixty-six (166) apartments proposed in Building D, across both sections D-1 and D-2, of which a total of thirty-four (34) units are designated as affordable units. The chart below provides a breakdown of unit types and their distribution throughout the building.

Bldg. D-1 Floor	Market Rate Units							Affordable Units				Grand Total
	1-BR	1-BR w/Den	2-BR	2-BR w/Den	3-BR	3-BR w/Den	Total	1-BR	2-BR	3-BR	Total	
Garage												
1 st	4	8	1	4	2	-	19	-	1	2	4	23
2 nd	4	5	-	6	2	-	17	-	2	2	4	21
3 rd	3	4	-	6	-	2	15	-	2	2	3	19
4 th	3	4	-	5	2	-	14	-	4	-	3	17
Total	14	21	1	21	6	2	65	-	9	6	15	80

Bldg. D-2 Floor	Market Rate Units							Affordable Units				Grand Total
	1-BR	1-BR w/Den	2-BR	2-BR w/Den	3-BR	3-BR w/Den	Total	1-BR	2-BR	3-BR	Total	
Garage												
1 st	2	5	1	7	2	-	17	3	2	1	6	23
2 nd	2	5	-	7	2	-	16	3	3	1	7	23
3 rd	-	6	2	7	-	2	17	-	2	1	3	20
4 th	-	6	2	7	2	-	17	-	3	-	3	20
Total	4	22	5	28	6	2	67	6	10	3	19	86

On the 1st floor, the elevators will open to a central, double-loaded corridor, which will extend to the north, accessing units in Building section D-1 and to the south accessing units in section D-2. In the area between both building sections on this floor, is proposed a club room, which will be located over the gymnasium on the lower floor. On the 2nd floor, this area will be occupied by an outdoor rooftop amenity located on the rooftop of the club room and lobby below.

On the rooftops of both sections of the building is proposed a series of private terraces located on the eastern frontage of the rooftop and a 9,000-SF public sky lounge amenity.

Site & Area Description

Block & Lot: Block 179, Lot 32
Zoning District: IH-1 (Inclusionary Housing) District
Total Site Area: 120-Acres

Location Map



Location Map – The subject site is outlined in red on the Google arial above. It encompasses 120-acres in the northwestern corner of the Township. The site is bordered by the West Essex Highlands Condominium and The Grande at Pleasantdale Chateau single-family development to the south, the Mayfair Drive and Rosemont single-family developments to the east, Howell Drive to the north, and the Township of Essex Fells to the West.

Planning Considerations

The subject site is located within the ***IH-1 (Inclusionary Housing) District***. The purpose of the IH-1 District is to provide for inclusionary development that contributes to the region's fair share of affordable housing, in accordance with a court settlement agreement which outlines provisions for same.

Permitted Principal Uses:

- Multifamily Residential
- Open Space

Permitted Accessory Uses:

Residential amenities including but not limited to the following, by way of example: clubhouse buildings, swimming pools, fitness centers, lounges, common or private terraces and balconies, courts or open lawn areas for multipurpose use such as lawn games, i.e., corn hole, bocce, badminton, croquet, and the like; workspace or meeting space for tenants, tenant storage, dog parks and/or dog playgrounds. Rooftop amenities shall be permitted including observation areas or rooms, multipurpose or recreation rooms, vestibules, outdoor terraces, pergolas, shade structures, or the like.

The chart below has been created to identify bulk deficiencies.

Standard	Permitted/Required (IH-1 District)	Proposed	Comments
Use	Multifamily Dwellings & Accessory Uses	Multifamily Dwellings & Accessory Uses	<i>Complies</i>
Min. Lot Area	No Minimum	12.429-Acres	<i>Complies</i>
Max. Disturbance Area	30-Acres	28.35-Acres	<i>Complies</i>
Min. Buffer (From Tract Boundary)	100-Feet	North: 106.3-Feet South: 534.3-Feet East: 723.7-Feet West: 988.3-Feet	<i>Complies</i>
Max. Building Height	4-Stories / 75-Feet	4-Stories / 47.5-feet	<i>Complies</i>
Total Dwelling Units	496 (20% Affordable)	496 (100-Units Affordable)	<i>Complies</i>

Min. Unit Sizes (Affordable Units)	One Bedroom: 650-SF Two-Bedroom: 875-SF Three-Bedroom: 1,150-SF	One Bedroom: 700-800-SF Two-Bedroom: 1,050-1,250-SF Three-Bedroom: 1,220-1,300-SF	<i>Complies</i>
Min. Off-Street Parking	966.4-Spaces (Based on RSIS)	1,076-Spaces	<i>Complies</i>

Standards for Granting Variance Relief

C - (Bulk) Variances

The Municipal Land Use Law (MLUL) at **N.J.S.A. 40:55D-70c** sets forth the standards for variances from the bulk regulations of a zoning ordinance.

C(1) Variance - The Board must find that there is either undue hardship or practical hardship with the strict application of the zoning requirements as stipulated in the Zoning & Land Use Regulations, as a result of:

- exceptional narrowness, shallowness or shape of a specific property, or
- by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or
- by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

C(2) Variance – The Board must find that the proposed deviation from the Zoning & Land Use Regulations will advance the purposes of the MLUL and that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment. The benefits identified in granting a C(2) variance must include benefits to the community as a whole, not only the applicant or the property owner. Here too, the Board must be satisfied 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 Township.

Planner's Comments

The applicant proposes to develop a four hundred and ninety-six (496) unit residential development, of which one hundred (100) units will be designated affordable units. The proposed development will also include resident amenities including a clubhouse with a swimming pool, among others. The applicant also proposes onsite improvements for sewer, water, drainage and lighting.

The proposed development will be spread across four (4) 4-story multifamily buildings, each of which will include structured parking under the residential floors.

The subject site is located in the Township's ***IH-1 (Inclusionary Housing) District***, where the proposed multifamily development **is permitted** as a principal use, with the proposed amenities permitted as accessory uses. **The proposed development is in compliance with the bulk and design standards of this District.**

A *Site Plan Review Advisory Board (SPRAB)* meeting was held on March 12, 2023, where the subject development application was reviewed. Among the issues discussed was the parking being proposed. Whereas the "Zoning Schedule" provided by the applicant indicated that 1,035 parking spaces were being proposed, the "Overall Development Summary," indicated a total of 1,076 spaces were being proposed. **A review of the actual count of the physical spaces provided on the revised site plans show a total of 1,076-spaces provide, across both the surface parking lots and the structured parking under each of the proposed multifamily buildings.**

A question was also raised regarding the proposed number of affordable units being proposed. **The Plans provided at the time showed 97-units. The revised Plans and included "Unit Matrix" now show a total of 100-affordable units across all four building.**

The buffer around the site is now also in conformance with the standards of the IH-1 District, where a minimum 100-foot setback or buffer is required. The revised site plans now show the proposed development will have a setback/buffer of 106.3-feet from the northern boundary, where it is closest to the boundary.

A question was also raised about the sidewalk located to the south of Building A, which extends along the main roadway to the west of the proposed traffic circle and then extends on the western side of the Warner Road extension, where it crosses over the road from the western side and continues southward on the southern side. **It is not apparent why the sidewalk does not continue on the western side, thereby avoiding the need for the crossover.**

In the same vein, there does not seem to be any pedestrian connectivity between the buildings on the northern side of the main roadway (Buildings C and D) and the dog park/dog clinic on the opposite (southern) side of the roadway. The same is true for residents of Building A who want to access the Clubhouse, which is on the opposite side of the main roadway. **A formal crosswalk should be considered in the area of Buildings A, B and C, to facilitate pedestrian movement across the main roadway.**