

VIA UPS
July 2, 2025

Diana Chandler
Zoning Board Secretary
Zoning Board
Township of West Orange
66 Main Street
West Orange, NJ 07052

42 Eagle Ridge Way

Block 106, Lot 24.01
Township of West Orange, Essex County, NJ
Project No. 24006174A

Dear Ms. Chandler,

Our office is in receipt of two (2) review letters regarding the above-referenced project. Below please find our responses to the comments outlined in said letters and memorandum. The comments have been repeated again for clarity.

Nishuane Group LLC dated January 28, 2025

- Applicant seeks a D(1) Use Variance where the proposed use is not permitted within the R-1 District.

Response: Statement of fact.

- N.J.S.A. 40:55D-70(d) permits a Board of Adjustment “in particular cases for Special Reasons” to grant a variance to permit “a use or principal structure in a district restricted against such use or principal structure.” This represents the Positive Criteria of the statute. In addition, a showing of the Negative Criteria is necessary to obtain a “d” variance. The applicant must demonstrate that the proposed variance can be granted “without substantial detriment to the public good and will not substantially impair the intent and the purpose” of the Master Plan and Zoning Ordinance.

Response: Statement of fact.

- When considering the granting of a “d” variance, an applicant must demonstrate that special reasons are satisfied by either showing that the proposed use “inherently serves the public good” or that it promotes the general welfare because the proposed site is particularly suited for that use. It was held in *Medici v. B.P.R. Co.*, 107 NJ 1 (1987) that the only “special reasons” which can be considered are those which promote the general purposes of zoning, as listed in N.J.S.A. 40:55D-2. The court emphasized in *Burbridge v. Mine Hill Twp.*, 117 NJ 376 (1990), however, that the MLUL includes all the zoning purposes listed in N.J.S.A. 40:55D-2, not only the promotion of the general welfare. Therefore, each of these listed purposes may support an application for a “d” variance.

Response: Statement of fact.

- Architectural Plans should be provided to provide the Board a better understanding of the proposed structure's layout.
Response: Architectural elevations are included in this submission. Interior layout plans will be addressed by construction permit.
- Applicant will need a variance for the housing of animals in a principal structure, which is not a permitted use within the R-1 district.
Response: Statement of fact.
- Applicant will need a variance for an accessory apartment in a principal structure, which is not a permitted accessory use in the R-1 district.
Response: Statement of fact.
- Applicant shall describe how it will meet the requirements of §10-12 KEEPING OF ANIMALS AND BIRDS or what specific waivers from the code's requirements it seeks from the Board.
Response: Testimony regarding the keeping of animals will be provided to the board.

Matrix New World dated June 19, 2025

1. General

1.1. Architectural drawings were not provided as part of the submission materials for the pool building and pool. As such, we are unable to ensure that the proposed building complies with the residential building design criteria specified in Ordinance §25-9.7(b). The Applicant shall provide architectural drawings for further review.

Response: Architectural elevations are included in this submission.

1.2. A current property boundary and topographic survey is required.

Response: Surveys are included in this submission.

2. Demolition

2.1. The Applicant shall provide testimony regarding the intention to remove any additional trees and obtaining a Tree Removal Permit pursuant to Ordinance §25-27.

Response: Testimony regarding tree removal will be provided to the Board.

3. Layout Plan

3.1. The Applicant shall provide testimony regarding the existing site conditions, proposed improvements, and conformance with applicable ordinances and regulations.

Response: Testimony regarding the existing and proposed conditions of the site will be provided to the board.

3.2. Steep slope calculations are required as per Section 25-28 of the Land Use Regulations. The plan shall comply with the provisions of the Ordinance.

Response: Steep slope calculations are included in this submission.

3.3. Modular block walls are proposed in the easterly portion of the site. The plan and detail indicates the walls will not exceed four feet in height. A building permit is not required for a wall four feet or less in height, however a global stability analysis with supporting calculations shall be submitted by the Engineer to ensure that the wall can sustain the proposed wall loadings.

Response: A global stability analysis will be submitted prior to final approval.

3.4. The Engineer shall prepare a plan superimposing existing and proposed contours in color to clearly show the differences between the two sets of contours.

Response: The grading plan shows the existing contours in a light grey and the proposed contours in black.

3.5. Soil movement calculations within the limit of Disturbance shall be provided by the Engineer.

Response: Soil movement calculations are included in this submission.

3.6. The Engineer shall provide information on the types of vehicles that will frequent this Site and how those vehicles will maneuver within the Property.

Response: Testimony regarding vehicles frequenting the site will be provided to the Board.

3.7. Waste disposal, particularly horse waste shall be addressed. A dumpster is depicted along the southerly elevation of the structure, but information is required on how this dumpster will be used along with frequency of collection and vehicle maneuverability.

Response: Testimony regarding waste disposal will be provided to the Board.

3.8. A detail of the Proposed Pavement (Typ.) is required.

Response: A proposed pavement detail has been added to the plans.

3.9. The Engineer shall determine if any of the proposed improvements encroach on wetlands or wetlands buffers that exist along the westerly side of Eagle Ridge Way opposite this site.

Response: Per the drawing titled Condominium Map for The Pointe at Crystal Lake, dated April 14, 2000, prepared by Langan Engineering and Environmental Sciences, the wetlands and wetlands buffer located on the property on the northern side of Eagle Ridge Way is contained fully on that property. No wetlands or wetlands buffers extend onto the subject property.

4. Grading & Drainage Plan

4.1. The storm water management plan shall be designed and comply with the regulations that were adopted by the West Orange Township Council on May 20, 2025, as Ordinance No. 2918-25.

Response: This application was submitted to the Board in 2024 and therefore has been designed to comply with the regulations in place at that time.

4.2. The approval by the West Orange Planning Board for the adjoining parcel at 40 Eagle Ridge Way included some drainage improvements on this parcel. These plans shall reflect these improvements.

Response: The drainage improvements at 40 Eagle Ridge Way have been added to the plans.

4.3. The Applicant's engineer shall explain the reason for offsetting the proposed impervious area by the amount of impervious area and regulated motor vehicle surfaces that existed under the prior use. At the time of this application the remnants of the prior use were removed.

Response: While the existing improvements were demolished prior to this application, the demolition was performed as part of the overall project. The existing conditions were considered to be the most recent permanent condition, rather than the current condition as an active site.

4.4. The Applicant's engineer shall provide results of a geotechnical investigation to ensure the infiltration system meets the requirements of Chapter 12 of the NJ Stormwater Best Management Practices (BMP) Manual. Verification of the depth of bedrock and seasonal high-water table shall be submitted to the Municipal Engineer and confirmed prior to the issuance of a building permit. Test pits shall be made in accordance with NJDEP BMP manual and regulations for groundwater table location.

Response: Initial geotechnical investigation was begun in February of 2025. However, a full investigation including infiltration testing has not yet been performed. This testing will be completed prior to final approval. Please refer to the revised Stormwater Management Report for more detailed discussion.

4.5. The Time of Concentration calculations were not provided.

Response: TC calculations have been added to the drainage maps.

4.6. Drywell overflow pipe calculations are required for capacity and discharge as well as offsite stability (velocity) as per NJ Soil Erosion and Sediment Control Standards.

Response: Offsite stability calculations are included in this submission.

4.7. The Engineer shall verify from the manufacturer of the pervious pavers that there is sufficient storage as specified.

Response: The pervious pavers are not intended to function as a stormwater management system.

4.8. The Engineer shall provide documentation from the manufacturer of the storage chambers that the storage volume per chamber is as specified.

Response: The manufacturer's cut sheet is included in the stormwater management report.

4.9. Conveyance system calculations are required.

Response: Pipe sizing calculations are included in this submission.

5. Landscaping Plan

5.1 Matrix has no comment on the landscaping plan.

Response: Statement of fact.

6. Soil Erosion & Sediment Control

6.1. The Applicant shall obtain a soil erosion and sediment control permit from the Hudson-Essex-Passaic Soil Conservation District. Matrix reserves the right to review the certification and approved plans from the district.

Response: A permit from the HEP SCD will be obtained after Zoning Board approval and prior to the start of construction.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Colliers Engineering & Design, Inc.



Justin Ferrazzano
Senior Project Manager