

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.

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.

4.8. 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

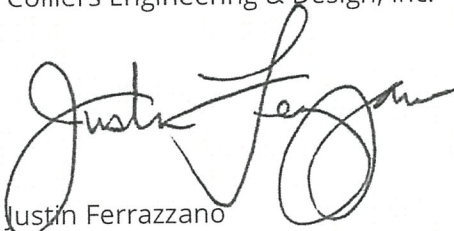
6.1. The Applicant shall obtain a soil erosion and sediment control permit from the Hudson-Essex-Passaic Soil Conservation District. Matrix reserves the right to review the certification and approved plans from the district.

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