

TO: Township of West Orange Planning Board

FROM: Malvika Apte, PP, AICP, Planning Board Planner
Megan Adam, AICP Candidate, Associate Planner

RE: PB Application 25-10
Planning Review # 1
457 Mount Pleasant Avenue (Trader Joe's)
Block 157, Lot 5
Preliminary & Final Major Site Plan Approval and "C" Variances Approval

DATE: November 12, 2025

As requested, we have reviewed the following materials:

- Township of West Orange Planning Board Application, dated July 31, 2025;
- Transmittal Letter Prepared by applicant's attorney, Howard D. Geneslaw, Esq., dated October 7, 2025;
- Fees & Escrow Computation, dated September 17, 2025;
- Corporate Disclosure Statement, dated July 31, 2025;
- Owner's Consent Affidavit, dated July 31, 2025;
- Attachment of all previous Planning Board and Zoning Board of Adjustment Decisions for Block 157, Lot 5 in the Township of West Orange, dated August 14, 2025;
- 4-sheet Description of Current Proposal, dated September 17, 2025;
- 3-sheet Lists of Variances, Design Exceptions, and Submission Waivers for the Current Proposal, dated September 17, 2025;
- 4-sheet Description of "Reasons for Relief," dated September 17, 2025;
- List of Plans & Exhibits, dated September 17, 2025;
- Township of West Orange Sustainability Checklist for PB-25-10, undated;
- Township of West Orange Site Plan / Subdivision Checklist for PB-25-10, undated;
- Verification of Taxes and Sewer Charges Paid, dated August 8, 2025;
- List of Required Regulatory Approvals, dated September 17, 2025;
- 200-Foot Buffer Report for Block 157, Lot 5, prepared by the Township of West Orange Tax Accessor, dated July 7, 2025;
- Package of Existing & Proposed Deed Restrictions and Covenants;
- Package of Existing & Proposed Easements or Dedications;

- Soil Removal Permit Application, dated September 17, 2025;
- Application for a Tree Removal and Replacement Permit, DATED August 26, 2025;
- 26-sheet Traffic Statement prepared by TPD Inc., dated September 19, 2025;
- Stormwater Management Report prepared by Bohler Engineering NJ LLC., dated August 2025;
- Stormwater Management Facilities Operations and Maintenance Manual, prepared by Bohler Engineering NJ LLC., dated August 2025;
- 19-sheet Preliminary and Final Major Site Plan set prepared by Bohler Engineering NJ LLC., dated July 25, 2025, and revised through September 17, 2025;
- Property Survey of Block 157, Lot 5 within the Township of West Orange, prepared by Control Point Associates, Inc., dated November 20, 2023, and revised through August 5, 2025; and
- 5-sheet Architectural Plan set prepared by Jeffrey Taylor Architects, dated September 9, 2025.

1. Site Description

The subject property identified as Lot 5 of Block 157 in the Township and is located at 457 Mount Pleasant Avenue. The irregularly-shaped lot includes approximately 524.6' of frontage along Mount Pleasant Avenue, 50.2' of frontage along Pleasant Valley Way, and 101.6' of frontage along Mount Pleasant Place. The property measures approximately 3.7 acres in area, and a section of the South Branch of the Rahway River runs along the eastern side of the property.

The subject property is currently developed with a 29,000-square-foot one-story masonry strip mall (the "Main Retail Building") with a pitched roof. **It appears there was a one story attached greenhouse to the structure that appears to no longer exist, applicant should confirm.** A 3,200-square-foot one-story brick retail building (the "Smaller Retail Building") detached from the main building is located southeast of the property. The entire lot is developed with a surface parking lot comprising of approximately 165 spaces. The Main Retail Building is partially occupied and includes vacant tenant spaces. Active tenants include Martial Arts, Julio's Restaurant, Party Wines liquor store, Crystal Cleaners, Coco Nails, and Quick Shop Food and News. The smaller retail building contains two personal service establishments, bagels and pizza fast food stores.

Three (3) driveways, located along all three street frontages, provide access into the existing shopping complex. There are two driveways along Mount Pleasant Avenue that appears to be the main entrance to the site, one (1) driveway is located along Pleasant Valley Way and the third driveway is located along Mount Pleasant Place. Ponding was noted along the Mount Pleasant Place driveway. Applicant should consider updating the driveway to reduce the ponding issue.

A combination of trees and 8-foot-tall wood fencing separate the subject property from the neighboring lots. Directly west of the subject property, Lot 2 of Block 157 is developed with a gas station, and Lots 1 and 11 include the building and surface parking lot for a home care healthcare business. Two billboards have been constructed on these lots.

The subject property is located within the B-2 General Business District of the Township. Surrounding the site are additional commercial establishments near the intersection of Mount Pleasant Avenue and Pleasant Valley Way. Single-family residential neighborhoods are located north, east, and south of the commercial complex. Directly south of the subject property is the Francis A. Byrne Golf Course.

2. Proposed Project:

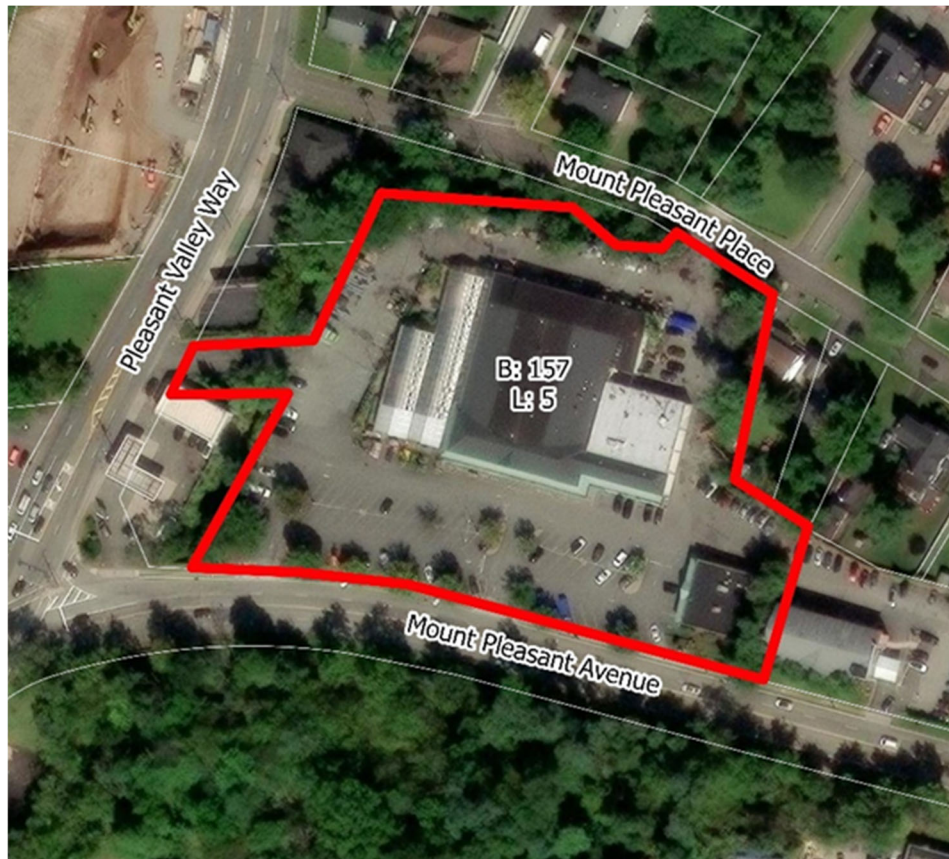
The applicant, Trader Joe's East, Inc., is seeking a preliminary and final major site plan approval, tree removal and replacement approval, soil removal approval and "c" variances approval, to retrofit approximately 18,800 square feet of existing tenant space within the Main Retail Building (and use its approximately 1,522 square foot mezzanine for mechanical equipment) into a Trader Joe's retail grocery store. Further, the applicant proposes to add additional parking spaces, increasing the total number of surface parking spaces on the property from 165 spaces to 187 spaces. Additional site improvements including restriping these new spaces, adding new sidewalks and curbs, and introducing new landscaped islands.

According to the floor plans provided, the Trader Joe's store will encompass the entirety of the vacant tenant space, along the western portion of the Main Retail Building. **Applicant should confirm that all the existing active tenant spaces within the eastern sections of the building are to remain.**

Most of the floor area within the new Trader Joe's will include the sales area and shopping aisles, amounting to approximately 8,900 square feet. Storage and receiving will encompass approximately 5,500 square feet of the new store. Along the northern façade of the building will be a loading/unloading dock for delivery trucks, which provides direct access to the storage and receiving area, as well as beverage and produce coolers. Customers will have access to public men's and women's restrooms within the store. Further, crew-only restrooms and a break room will be accessed through the stock/receiving area. Additional spaces within the retrofitted space include electrical and mechanical rooms, and the mezzanine of the Main Retail Building will house new HVAC air handling units for Trader Joe's.

Alterations to the building's existing façades will be limited to the Trader Joe's lease area, and include patching and repairing sections of the existing CMU and brick walls, and adding new dark bronze aluminum and glass storefront windows along the Mount Pleasant Avenue frontage. Further, the existing standing seam aluminum canopy and false columns will be refinished. Sections of new asphalt shingle roof will be

installed to fully enclose the former greenhouse area, and new safety bollards will be installed adjacent to the parking areas and loading dock. Illuminated channel-letter signage for Trader Joe's is proposed along both the Mount Pleasant Avenue and Pleasant Valley Way street frontages. New doors to the Trader Joe's tenant space will be created along the northern and western façades of the Main Retail Building, to accommodate deliveries and provide access to new mechanical spaces. A new trash enclosure, screened by chain link fencing, will be accessed along the eastern façade.



Subject Site Aerial
Source: NJ Geo Web

3. Previous Site Approvals

By way of background, since 1994, the subject site has been part of five (5) hearings before the Township's Planning Board, and three (3) hearings before the Zoning Board. The applicant notes that additional approvals were received prior to 1994. These applications span throughout the existing Main Retail Building, and are outlined below:

Planning Board Approvals			
Date	Application Number	Description of Application	Result
March 23, 1994	PB-93-19	Parking variance and amended site plan approval to revise parking layout.	Approved
September 3, 1997	PB-97-19T	Approval of site plan application for 48 seat sit-down Bagel eatery.	Approved
July 6, 2006	PB-05-57	Amended preliminary and final site plan approval for the addition to the Metropolitan Plant Exchange of an overhead canopy.	Approved
July 6, 2006	PB-06-11	Amended preliminary and final site plan approval with parking variance (239 parking spaces required and 168 provided) to renovate the existing bagel shop with no more than 36 seats.	Approved
February 3, 2010	PB-10-01T	Technical site plan approval, without variance, to operate a restaurant ("Julio's") with no more than 48 seats	Approved

Zoning Board Approvals			
Date	Application	Description of Application	Result
July 15, 1999	ZB-99-01	Denial of application for a "d" variance to allow two principal uses on the same lot, for the purpose of demolishing the existing dwelling type structure and garage in the rear, and merging of lots to erect a 1 story 3,600 square feet retail building, additional "c" variances, including insufficient parking (196 where 217 spaces required), insufficient buffer setback, excessive lot coverage, and signage.	Denied

Zoning Board Approvals			
Date	Application	Description of Application	Result
August 17, 2000	ZB-00-12	Same scope as Application ZB-99-01, with a reduction in the size of the retail building to 3,240 square feet, reduction in number of proposed parking spaces to 182 spaces.	Approved
October 19, 2000			

Aerial of Subject Property

4. Existing Deeds and Easements

We note that deed restrictions and covenants, as well as easements or land reserved for public use exist for the subject property. Existing deed restrictions and covenants include:

- Slope Rights to the County of Essex (Deed Book 3491, page 1)
- New Jersey Department of Environment Protection Deed Notice (Deed Book 12496, page 223)

Existing easements or land reserved for or dedicated to public use include:

- Easement to The New York and New Jersey Telephone Company (Deed Book P-40, page 524)
- Easements and Rights-of Ways to the Town of West Orange (Deed Book A80 page 252, LP Book 4 page 547, Deed Book 3526 page 284, and Deed Book 3632 page 489)
- Right of Way Grant to New Jersey Bell Telephone Company (Deed Book 5120, page 286)
- Deed of Easement to the State of New Jersey, Department of Transportation (Deed Book 5572, page 445)

The applicant indicates that no new deed restrictions or easements are proposed with the current application; all of the existing easements and restrictions are to remain in effect.

5. Zoning Review:

The subject site is located in the B-2 General Business District. The applicant is proposing to retrofit vacant tenant spaces within the existing one-story commercial shopping mall (Main Retail Building) into a Trader Joe's retail store. The proposed use, a "retail store," is a principal permitted use in the B-2 district.

- 6. Site Plan Review:** The following table notes the bulk regulations that are permitted in the zone and the proposed site plans compliance/non-compliance with the same.

B-2 General Business Zone			
	Ordinance Requirements	Existing	Proposed
Min. Lot Area (Chapter 25 Attachment 3)	10,000 SF	~ 161,600 SF	No change
Min Lot Frontage/Width (Chapter 25 Attachment 3)	No minimum	50.2 feet	No change
Min. Front Setback (Chapter 25 Attachment 3)	30 feet	Mount Pleasant Avenue: 30.2 feet Pleasant Valley Way: > 30 feet Mount Pleasant Place: > 30 feet	No change
Min. Side Setback (Chapter 25 Attachment 3)	10 feet (one) 20 feet (both)	One: 16.2 feet (respect to Mt. Pleasant Ave.) Both: > 20 feet	No change
Min. Rear Setback (Chapter 25 Attachment 3)	30 feet	To be confirmed	
Max. Building Height (Chapter 25 Attachment 3)	2 ½ stories and not exceeding 35 feet	1 story, peak at 32'-9"	No change
Max. Building Cover (Chapter 25 Attachment 3)	40%	24.7%	19.1%
Max. Impervious Cover (Chapter 25 Attachment 3)	60%	83.8% (ENC)	82.1% (V)
Min. Lot Frontage (§25-4)	40 feet or 75% of the required lot width, whichever is greater.	50.2 feet	No change

Min. Side Yard Setback (Contiguous to Residential Lots) (§25-11.2)	75 feet	40.3 feet (ENC)	No change
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ENC = Existing non-conforming condition

V = Bulk variance required

- a. A statement of operations including # of employees, hours of operations, shift timings, number of deliveries and other such operational details should be provided.

7. Landscaping and Fencing

We note that the applicant submitted an application for a tree removal and replacement permit on August 14, 2025. The application notes that of the five (5) total trees to be removed, three (3) are non-viable, and two (2) are viable. To account for the five (5) total trees to be removed, 10 new replacement trees are proposed, in compliance with §28-8 "Tree Replacement" of the Township's Ordinance.

Further, all other existing trees are to remain, and new landscaped islands are proposed throughout the surface parking lot of the subject property. These islands will contain a collection of trees, shrubs, grasses, and perennials. The existing wooded areas of the site will remain unaffected as a result of the current application.

Additional improvements include curbing, paving, landscaping, lighting, and the construction of an 8-foot concrete masonry unit screen wall behind the Main Retail Building. A screened 10' x 10' trash enclosure is also proposed.

Landscaping and Screening			
	Ordinance Requirements	Existing	Proposed
Utility Screening (§25-8.15)	Utility boxes and other ground level utility structures shall be screened on at least three sides by landscaping that will conceal the box throughout all seasons of the year, while permitting access by the utility company.	N/A	No above-ground utility boxes are proposed.
Parking Area Screening (§25-12.1)	Any parking area shall be screened on any side which adjoins or faces premises situated in any residence district by a fence, wall, berm, evergreen or hedge maintained in good condition as required.	Eastern section of the property does not include landscaping (ENC)	No change (V)
	In parking areas with 30 or more parking spaces, there shall be a	N/A	187 parking spaces / 10 = 19 trees

Landscaping and Screening			
	Ordinance Requirements	Existing	Proposed
	minimum of one tree plus ground level planting for each 10 parking stalls, which may be provided within and/or on the perimeter of the parking area		15 trees proposed (V)
Loading Area Screening (§25-12.3)	Parking areas and off-street truck-loading spaces shall be suitably paved, drained, lighted, appropriately planted and fenced for the protection of adjacent properties in accordance with specifications of the Township	N/A	Screened by existing wooded area.

Walls and Fences (§25-8.4)			
	Ordinance Requirements	Existing	Proposed
Fence Height	Walls and fences which are not more than 50% solid are permitted anywhere on the property, in all districts, provided they are not higher than four feet.	Chain link fencing > 4 feet tall (ENC)	Maintain existing fencing (V)
	In all nonresidential districts, fences or walls not exceeding six feet in height shall be permitted in the side and rear yards	8-foot-tall wood fencing (ENC)	Maintain existing fencing & Proposed wall along the loading zone is 8 ft. (V)
	In all nonresidential districts, a fence or wall to be used for screening may not exceed six feet in height	N/A	8 feet (V)

- a. The applicant should provide testimony regarding the feasibility of planting additional trees along the eastern section of the parking lot to eliminate the acquired two landscaping/screening variances.
- b. Some of the existing fencing on the property is noted to be in state of disrepair, applicant should consider updating/ repairing the fencing.

8. Lighting

A total of three (3) different exterior lighting fixtures is proposed for the subject property. Fixtures will be placed along each façade of the Trader Joe's tenant space, and light poles are proposed throughout the parking area. These fixtures are to be placed in conjunction with existing lighting fixtures within the eastern section of the property. Following are our comments on the proposed lighting:

Illumination for B-2 District		
	Requirement	Proposed
Min. Illumination at Pedestrian Walkways (§25-14.3)	0.9 footcandles minimum throughout	Complies for walkways around Trader Joe's
Min. Illumination at Parking Areas (§25-14.3)	2.0 footcandle minimum throughout	< 2.0 fc periodically (V)
Min. Illumination at Streets (§25-14.3)	1.2 footcandle minimum throughout	Applicant to confirm
Max. Illumination at Property Lines	0.5 footcandle	0.5 fc
Max. Height of Wall-Mounted Fixture (§25-14.1)	18 feet	18 feet

- a. The applicant should revise the lighting plans to eliminate any light spillage on lots outside of the subject property.
- b. The applicant should confirm the proposed illumination levels throughout the entire property, and revise the lighting plan to articulate this.
- c. The applicant shall confirm compliance with the following illumination standard in §25-14.3:
 - a. Minimum street illumination for developments in the B-2 General Business District: 1.2 fc.

9. Parking and Site Circulation

The applicant proposes to expand the total number of surface parking spaces from 165 to 187. As outlined in previous sections of this memorandum, all parking spaces along the Mount Pleasant Avenue frontage will be oriented perpendicularly. Further, a new parking area will be constructed east of the Trader Joe's tenant space, in the place of the previous greenhouse. Of these new spaces, four (4) will be make-ready electric vehicle (EV) spaces, four (4) will be ADA accessible, and one (1) space will be both ADA accessible and make-ready EV spaces. Signage will denote these spaces as such. Further, the existing fire lane striping will remain along the southern facade of the building. The one-way northbound aisle on the east side of the building will be maintained.

Parking and Loading Space Requirements			
	Ordinance Requirements	Existing	Proposed
Minimum Number of Off-Street Parking Spaces* (§25-12.2)	Retail Stores: 1 per 250 square feet of gross floor area. Food service uses such as delis, bakeries and coffee shops with on-site seating shall add 1 additional space for every 3 seats. Restaurant: 1 for each 45 square feet of floor area available to patrons Proposed Trader Joe's: 18,767 SF x (1 space / 250 SF) = 75.07 = 75 spaces* + <u>Existing Retail/Personal Service Stores within Strip Mall to Remain (this includes the smaller retail building)</u> 10,474 SF x (1 space / 250 SF) = 41.89 = 42 spaces** + <u>Existing Julio's Restaurant within Strip Mall to Remain:</u> 3,200 SF x (1 space / 45 SF) = 71.11 = 71 spaces** = 188 total off-street spaces for the site	165	187 physical spaces + 4 bonus credit from 4 EV parking spaces***= 191 total spaces

Parking and Loading Space Requirements			
	Ordinance Requirements	Existing	Proposed
Required Electric Vehicle Parking Spaces (§25-12.6)	Install at least 4% of the total parking spaces as Make-Ready parking spaces, at least 5% of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces: Make-ready spaces: 4% of 187 physical spaces = 8 total ADA Make-ready spaces: 5% of the 8 required = 1 total	N/A	4 make-ready spaces (V) 1 ADA make-ready space
Loading Space Dimensions (§25-12.3)	Each loading space shall be at least 10 feet in width, 40 feet in length and have a fourteen-foot overhead clearance.	9.2 feet x 42.9 feet (ENC)	9.2 feet X42.9 feet (ENC)
Supplemental Parking and Loading Space Regulations (§25-12.4)	An access drive to an off-street parking area or truck-loading space may be located within a required side yard, but shall not be located within five feet of a side lot line.	> 5 feet	No change
Sidewalks (§25-12.1)	Min. 5-foot-wide between any building and a parking area or drive used by the public.	> 5 feet	No change.
Drive Aisle Width (§25-12.1)	All driveways for two-way traffic shall be a minimum of 24 feet wide	21.3 feet	24 feet

Parking and Loading Space Requirements			
	Ordinance Requirements	Existing	Proposed
Parking Space Size (§25-12.1)	Standard size parking spaces shall have minimum dimensions of 9 feet by 18 feet	8' x 14.8' (ENC)	Maintain existing spaces (V), in addition to new 9' x 18' spaces.
Distance between Drive Aisle and Residential District (§25-12.1)	Each entrance or exit from such parking area shall be at least 50 feet from any residential district.	Unclear, applicant to confirm.	No change.
Length of Parking Row (§25-12.1)	The maximum length of a single row of parking spaces shall be 20 spaces, at which point a landscaped area with a minimum width of eight feet shall be provided	N/A	Complies.

*Per §25-12.2.B.3, "Whenever the application of Parking Schedule II results in a fractional parking space in excess of one-half, a full space shall be required."

**The area estimates for the existing retail and restaurant to remain on the site are taken from the provided Site Plan on Sheet C-301. The applicant shall provide testimony confirming these numbers.

***Make-ready/EV spaces counts as 2 total spaces for a reduction of no more than 10% of the required spaces.

ENC = Existing non-conforming condition

V = Bulk variance required

- a. The applicant shall confirm that each entrance or exit from such parking area shall be at least 50 feet from any residential district.
- b. Will there be any commercial vehicles parked on site?
- c. The applicant shall provide testimony regarding:
 - b. The frequency of deliveries expected to the site.
- d. The applicant shall confirm, the total number of existing and proposed parking spaces, the site plan notes the number as 183, while we count 187 spaces proposed. The parking

calculations within the Site Plan drawing set shall be revised per the table above; as 187 physical spaces are proposed, the EV bonus creates a total of 191 spaces.

- e. Further, applicant should confirm the number of spaces that are non-conforming parking stall sizes.
- f. Per State EV ordinance 8 make ready spaces are required to be provided. The plan only provides 4 spaces. This needs to be revised since no variance can be granted in the required number of EV spaces.
- g. Existing dumpsters are located in the north eastern portion of the site near the Mount Pleasant Place access. No screening is provided around this area. Further, during site visit it was noted these dumpsters were in a disarray. Applicant should consider creating an enclosure to demarcate this boundary.
- h. Truck turning diagram accessing the dumpsters should be provided. Further, frequency of dumpster pick up should be discussed, considering it is closer to the residential uses.
- i. Ponding issues were noted throughout the site. We defer to the Board Engineer to discuss this further and if the site can be remediated.
- j. Due to the type of retail proposed, we recommend crosswalks be provided from parking to the entrance of the retail store, in order for safe pedestrian circulation.
- k. As shown, the façade along the Trader Joe's tenancy is being updated, we recommend that the main building façade should be updated in order to appear a cohesive updated façade. Applicant should provide testimony regarding the color and updates to the façade.

10. Signage

Illuminated channel-letter signage for Trader Joe's is proposed along both the Mount Pleasant Avenue and Pleasant Valley Way street frontages. One sign will be mounted to the building, and the other to the existing canopy. Further, the complex's existing monument sign along the Mount Pleasant Avenue frontage is proposed to remain.

Signage (§25-15.3.C.2)			
Monument Sign (Maintain Existing)			
	Requirement	Existing	Proposed
Location	Front yard only	Front yard	No change.
Min. Setbacks	10 feet from front property line, 25 feet from side property line	3.3 feet front yard (ENC) Side yard complies	No change
Max. Area	50 SF	25 SF	No change.
Height	Minimum of 2 feet and maximum of 8 feet above the ground	0 feet min. (ENC) Max. complies	No change
Max. Width	6 feet	7.6 feet (ENC)	No change

New Signs			
	Requirement	Existing	Proposed
Max. Sign Area (§25-15.3.C.2)	5% of the front wall area or 120 square feet, whichever is less. Wall-mounted: 120 feet Canopy sign: N/A	N/A	Wall-mounted 40.5 SF
Letter Height (§ 25-14.4.I)	An awning or canopy sign may not exceed eight inches in height, but may run the entire length of the allowable edge	N/A	Canopy sign: 1'-6" (V)
Canopy Extension (§ 25-14.4.I)	6 feet	N/A	8'-7" with sign (V)

- a. Per section 25-15.4 g- no sign shall be illuminated between the hours of 10:00pm and 7:00 am. Applicant should confirm the timing of the tenancy and compliance with this section.

11. Variances and Waivers Required:

Bulk/"C" Variances

1. Applicant should confirm these are pre-existing non-conforming conditions which received variance approval:

- a. **Insufficient Side Yard Setback (Contiguous to Residential Lots) (§25-11.2)** – A minimum side yard setback of 75 feet is required when adjacent to residential lots, where 40.3 feet exists with respect to Pleasant Valley Way, and is proposed to remain.
- b. **Insufficient Parking Lot Screening (§25-12.1)** – Where parking spaces are required to be screened, the eastern section of the property does not include landscaping; this is an existing condition that is proposed to remain.
- c. **Excessive Fence Height (§25-8.4)** – Wood fencing reaching a height of 8 feet is proposed to be maintained in side and rear yards where the maximum height for this fencing is 6 feet. Further, 6-foot-tall chain link fencing is proposed to remain, where such fencing is not permitted to exceed 4 feet.
- d. **Insufficient Parking Space Dimensions (§25-12.1)** – Where minimum standard parking space dimensions required are at least 9 feet in width and 18 feet in length, dimensions of 8 feet x 14.8 feet, respectively, exist and are proposed to remain.
- e. **Insufficient Loading Space Dimensions (§25-12.3)** – Where minimum loading space dimensions required are at least 10 feet in width and 40 feet in length, dimensions of 9.2 feet x 42.9 feet, respectively, exist and are proposed to remain.

- f. **Monument Sign Standards (§25-15.3.C.2)** – The applicant is proposing to maintain a monument sign with the following deviations from the Township Ordinance: insufficient front yard setback, insufficient height, and excessive width.

2. We have noted the following new variances are required:

- a. **Excessive Impervious Cover (Chapter 25 Attachment 3)** – A maximum impervious coverage of 60% is permitted, where 82.1% is proposed.
- b. **Insufficient Parking Lot Trees (§25-12.1)**– A minimum of 19 trees are required within the parking area, where 15 trees are proposed.
- c. **Excessive Wall Height (§25-8.4)** – In all nonresidential districts, a fence or wall to be used for screening may not exceed six feet in height; the applicant is proposing a 8' high screen wall.
- d. **Insufficient Parking Area Illumination for B-2 District (§25-14.3)** – Where a minimum illumination throughout the parking area is 2.0 footcandles (fc), less than 2.0 fc is proposed periodically.
- e. **Insufficient Number of Loading Spaces (§25-12.3)** – Where a total of 4 loading spaces is required, 2 loading spaces are proposed.
- f. **Insufficient Number of Make-Ready Parking Spaces (§25-12.6)** – Where a total of 8 make-ready off-street parking spaces is required, 4 make-ready parking spaces are proposed.
- g. **Excessive Canopy Letter Height (§ 25-14.4.I)** - Where a maximum letter height of 8 inches is permitted, a height of 1'-6" is proposed.
- h. **Excessive Canopy Extension (§ 25-14.4.I)** - Where a maximum canopy extension of 6 feet is permitted, an extension of 8'-7" is proposed.

12. Statutory Criteria:

Bulk/ "C" Relief

- 1. The applicant requires c-variance relief for this application. The applicant shall provide testimony that demonstrates how the request for relief may be granted based on one of the standards provided in the MLUL at N.J.S.A. 40:55D-70c. It is the applicant's responsibility to bear the burden of proof.

In order to satisfy the positive and negative criteria for each c variance enumerated above, the applicant should provide testimony that satisfies either the c(1) hardship criterion or c(2) flexible criterion as set forth in the MLUL.

- a. **Positive criteria:** There are two types of c variances - the **c(1) hardship** and the **c(2) flexible variance**.

The c(1) *hardship* criteria states that a “hardship” will occur if the variance is not granted. The hardship relates to the physical or topographical features of the property and cannot relate to financial or personal hardship. Hardship relating to property can include:

- i. Narrowness, shallowness, or irregular shape
- ii. An exceptional topographic condition
- iii. Other unique conditions or features affecting the property

The c(2) *flexible variance* states that by granting the variance, the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and that the benefits of granting the variance substantially outweigh the detriments.

- b. Negative criteria: The applicant must satisfy the two-prong test of the negative criteria;
 - i. The variance can be granted without substantial detriment to the public good; and
 - ii. The variance can be granted without causing substantial detriment to the zone plan.

The applicant’s testimony regarding the negative criteria should address any potential impacts that the proposed variances may have on the neighborhood, as well as how the proposed development is consistent with, or in potential conflict with, both the zoning ordinance and the Township’s Master Plan.

13. Conformance with the Township’s Master Plan

The Township’s 2019 Master Plan Update (Reexamination Report with Plan Element Amendments) notes that, “The Master Plan should continue to emphasize the need to locate public, commercial/retail, industrial, residential and service uses at sites and locations which are suitable for their use environmentally, economically, and geographically, and can be adequately serviced by public infrastructure” (p. 29).

- a. The proposed application supports the Reexamination Report’s vision by retrofitting a vacant section of an existing retail shopping center with a grocery store, which already has on-site parking improvements. The location’s proximity to residential neighborhoods will offer residents additional options for food shopping. The proposed use is suitable for the B-2 district.