

**Trader Joe's East, Inc.
457 Mt. Pleasant Avenue
West Orange, New Jersey
Block 157, Lot 5**

Reasons for Relief

Application Form, Section G. – Requirements for Variances, Item 4B)
September 17, 2025, revised December 10, 2025

Background

The project seeks preliminary and final major site plan approval, a soil removal permit, a tree removal and replacement permit, together with “c” variances. The subject property, designated as Block 157, Lot 5 (the “Property”) consists of approximately 3.71 acres and is located within the Township’s B-2 zoning district, which permits Retail Stores and multiple principal uses.

Applicant proposes to refit and reoccupy approximately 18,767 square feet of existing tenant space within the approximately 29,187 square foot, one-story commercial building (“Main Building”) for use as a Trader Joe’s Retail Store. In connection therewith, the approximately 8,980 square foot “Metropolitan Plan Exchange” greenhouse sales area to the west, which has been removed, will be replaced with additional parking and associated circulation, thereby increasing the existing total parking supply for the Property (165 spaces) by approximately 11.5%, for a total of 184 parking spaces. Ancillary improvements such as curbing, paving, landscaping, lighting, a 8-foot concrete masonry unit screen wall behind the Main Building, and two new trash enclosures are also proposed, as is new signage.

This application requires bulk or “c” variance relief from the specified code sections to permit the following proposed conditions: ¹

1. § 25-7.1, Table of District Regulations, Part B: Bulk Standards, Attachment 3: *The maximum permitted impervious coverage is 60%*. Applicant is proposing impervious coverage of 82.1% (a decrease compared to the existing 83.8%).
2. § 25-8.1.a.: *Accessory uses are not permitted in the front yard*. Applicant proposes parking within a front yard (this modifies existing parking which is already located in the front yard).

¹ Based on discussion at the Site Plan Review Advisory Board, Applicant has included in its variance request existing nonconformities which are being improved. Existing nonconformities which are proposed to remain unchanged are not included because they do not require variance relief.

3. § 25-8.1.b.: *The minimum setback of an accessory use abutting a residential district is 10 feet.* Applicant proposes parking with a setback of 5 feet (an improvement of the existing condition, which is zero feet).
4. § 25-8.2: *Yard encroachments by accessory structures are not permitted.* Applicant proposes a trash enclosure in the Mt. Pleasant Place front yard.
5. § 25-8.4.d.: *In all nonresidential districts, a fence or wall to be used for screening may not exceed six feet in height.* Applicant is proposing an 8-foot high screen wall.
6. § 25-8.15: *Screening of utility structures is required, on three sides.* Applicant proposes a transformer on a pad, within a service area, which is largely blocked from public view but does not provide landscape screening.
7. § 25-12.3.a.1.: *A minimum of four loading spaces are required.* Applicant proposes two loading spaces (compared to one existing).
8. § 25-14.3: *A minimum illumination of 2.0 foot-candles is required within B-2 Zone parking areas.* Applicant is proposing foot-candle levels between 0.5 and 2.0 within certain portions of the parking areas.
9. § 25-14.4.1.: *A maximum canopy projection of 6'-0" is permitted.* Applicant is proposing a canopy projection of 8'-7", including a canopy-mounted sign (the existing canopy projects 8'-0", so the increase is solely due to the sign).
10. § 25-14.4.1.: *The maximum canopy sign height is 8'.* Applicant proposes a canopy sign height of 1'-6".

Bulk or "c" Variances

As per the above enumeration, many of the requested the bulk or "c" variances required by the project pertain to existing nonconformities which the Applicant proposes to improve. Applicant seeks relief both under the hardship standard, where applicable, as well as under the benefits outweigh the detriments or "flexible c" criteria.

Improvements of Existing Nonconforming Conditions

The project proposes to slightly reduce impervious coverage, thereby bringing it closer to conformity; to maintain and reconfigure existing parking in the front yard and at an improved (but still deficient) setback to the abutting residential district, including by restriping so that parking spaces in this area are conforming to dimensional requirements; to construct a trash enclosure in the Mt. Pleasant Place front yard to house two existing and unsightly dumpsters, at the request of the Site Plan Review Advisory Board; and to increase the number

of loading spaces by adding one, thereby providing an adequate number of loading spaces and bringing the site closer to conformity with loading space requirements. Since these deviations all improve existing conditions, granting the requested variances will not have a substantial detriment on the public good, and will not substantially impair the zone plan or zoning ordinance.

The proposed transformer is located within an existing service area, and is effectively blocked from view on three sides by the Main Building, a mechanical unit enclosure and one of the proposed new trash enclosures. Thus, the purposes of the Land Development Ordinance are satisfied even though a landscape screen is not provided.

The proposed 8-foot screen wall height is required to adequately screen the proposed loading space behind the Main Building so as to provide enhanced visual screening for the adjacent residential neighborhood, which directly abuts the rear property line. This requested screen wall height deviation of 2 feet is modest and does not substantially impair the intent of the Township's Land Development Ordinance. Rather, it supports its goals by promoting a more harmonious transition between zoning districts.

The proposed foot-candle levels of 0.5 to 2.0 within certain limited areas of the site's parking areas are necessary because any additional light poles necessary to reach the minimum 2.0 foot-candles would result in light spillage over the property line, likely triggering a need for a different variance, from § 25-14.1.d. for exceeding the maximum permitted illumination of 0.5 foot-candles at property lines. In some areas, adding light poles likely would result in light poles being placed within regulated areas or potentially would require the removal of certain parking spaces, triggering a variance with respect to number of parking spaces. The lighting levels are adequate for safety, technical compliance would constitute a hardship, and the benefits of the proposed light levels outweigh any minimal detriment.

The proposed canopy projection is a function of the proposed "Trader Joe's" sign to be located on the canopy, which itself currently exceeds the maximum permitted projection of 6'-0", by 2'-0". The additional 7" projection resulting from the proposed sign is minimal. Moreover, it would cause substantial hardship if Trader Joe's were required to remove the existing canopy and replace it with a conforming one. Finally, the prior tenant, Metropolitan Plant Exchange, had its own canopy signage in this area but the projection is unknown. The proposed "Trader Joe's" sign likely is similar in projection, and is substantially shorter than the "Metropolitan Plant Exchange" sign, thereby reducing the length of the deviation.

The proposed sign height of 1'-6" is to permit a sign of an appropriate height to be both aesthetically attractive and visible from the street. Given that the canopy is permanent (as opposed to retractable), larger lettering of a more permanent nature is necessary and appropriate for the configuration of the canopy.

Additionally, due to the configuration of the roof, there is no wall area above the entrance area on the side of the building. Therefore, the canopy is the only location in which to place what would otherwise be a wall sign (and which would be permitted if at the proposed sign height of 1'-6").

The requested relief furthers the following purposes of the MLUL as set forth in N.J.S.A. 40:55D-2:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

RATIONALE: The requested variances will eliminate a vacancy and enable the re-occupancy of a significant retail space in an important location within the Township which is appropriately zoned for the proposed use.

- c. To provide adequate light, air and open space;

RATIONALE: The requested variances maintain the existing shopping center building and eliminate the covered outdoor sales area, thereby increasing open area and allowing for increased parking.

- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

RATIONALE: The project, and hence the requested variances, maintain the existing development and allow for continuation of a mix of uses that contributes to the choices available to residents. This helps to concentrate new uses into existing buildings through infill, where infrastructure already exists.

- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.

RATIONALE: The requested variances will maintain the existing circulation pattern and access points, and the project will provide 19 additional parking spaces to accommodate the proposed use while also removing substantial covered outdoor sales area.

The existing shopping center will continue to function as it does today. Therefore, and since the amount of impervious surfaces coverage is decreasing slightly and the greenhouse structure will be removed, there will be no substantial detriment to the public good. Similarly, the variance relief requested

will not substantially impair the intent and the purpose of the zone plan and zoning ordinance since the shopping center will continue to function as it does today, if relief is granted.

Grant of the requested “c” variances will not be a substantial detriment to the public good and will not substantially impair the zone plan or zoning ordinance. The benefits of the deviations are substantial, and any detriments are minimal. Hardship also exists where noted. Therefore, the variances requested can and should be granted.

Additional justification in support of the required variance relief will be provided in testimony at the public hearing.