

December 17, 2025

Via Federal Express

Ms. Jamilet Baquerizo Vite
Planning Board Secretary
Township of West Orange
66 Main Street
West Orange, NJ 07052

**RE: Township Resubmission
Proposed Retail Store
457 Mt. Pleasant Avenue
Block 157, Lot 5
Township of West Orange
Essex County, New Jersey
BENJ File No. NJA230139**

Dear Ms. Vite:

Enclosed, please find the following documents in regard to our resubmission to the Township of West Orange for the above referenced project:

- Five (5) signed and sealed copies of the *Preliminary & Final Major Site Plan* prepared Bohler Engineering NJ, LLC, dated August 14, 2025, last revised December 10, 2025;
- Five (5) signed and sealed copies of the *Stormwater Management Report*, prepared by Bohler Engineering NJ, LLC, dated December 2025;
- Five (5) signed copies of the *Traffic Statement*, prepared by TPD, Inc., dated September 19, 2025, last revised December 12, 2025;
- Five (5) signed and sealed copies of the *Site Traffic Control Plans*, prepared by TPD, Inc., dated December 10, 2025;
- Five (5) copies of the *Opinion of Probable Construction Costs*, prepared by Bohler Engineering NJ, LLC, dated August 14, 2025, last revised December 10, 2025;
- Five (5) copies of the *HEPSCD Certification*, dated September 30, 2025;
- Five (5) copies of the *NJDOT Letter of No Interest*, dated September 18, 2025.

We are in receipt of the Completeness Review Memorandum prepared by Heyer, Gruel & Associates, dated November 12, 2025 and offer the following responses:

§ 25-51.2 Administrative Requirements.

e. Site inspection authorization form.

- Not submitted, and a waiver has not been requested. The form shall be submitted prior to the Planning Board hearing for the application.

The "Township of West Orange Application for the Planning Board or Zoning Board of Adjustment" which the applicant submitted and which is signed by the applicant and the property owner, authorizes inspection of the site. Therefore, this item has been provided.

f. Compliance with legal notice requirements.

- We defer comment to the Planning Board attorney.

Acknowledged.

- i. Copies of approvals of other government/agencies as may be required or an affidavit indicating that application has been made to such agencies.
 - A list of required regulatory approvals and permits has been submitted. However, copies of the Soil Erosion and Sediment Control Plan Certification (issued September 30, 2025) and Letter of No Interest from the New Jersey Department of Transportation (issued September 18, 2025) have not been submitted. A copy of approvals shall be submitted prior to the Planning Board hearing for the application.
A copy of the Soil Erosion and Sediment Control Certification from the Hudson-Essex-Passaic Soil Conservation District and a copy of the Letter of No Interest from the New Jersey Department of Transportation have been enclosed within this submission.

§ 25-51.7.1 Major Site Plan Requirements - Preliminary Stage.

- a. Basic Data.
9. Name of individual preparing the site plan together with an embossed engineer's or architect's seal, applicable signature and license number.
 - The professional engineer's and land surveyor's license numbers are provided on the sheets, but their respective seals and signatures are not provided. These drawings shall be submitted prior to the Planning Board hearing for the application.

The enclosed site plans have been signed & sealed by their respective preparers.

- c. Grading, Landscaping and Environmental Data.
10. Environmental impact study.
 - Not provided, and a waiver has not been requested. We defer additional comment regarding this requirement to the Board Engineer.

Per the Township of West Orange Ordinance §25-13.3.b, applications consisting of five acres or more are required to submit an Environmental Impact Study. The proposed development's lot area is 3.71 acres, falling under the threshold for requiring an Environmental Impact Study.

§ 25-51.7.2 Major Site Plan Requirements - Final Stage.

- a. Verification that all of the conditions of the preliminary approval have been met.
 - To be provided upon the completion of all preliminary approval conditions.
- f. Four copies of a map, referred to as a "Run Card", depicting the location of all fire hydrants within the subject property, and depicting the surrounding streets, based on a scale of one inch equaling 400 feet, and contained on an 8 1/2 inch by eleven-inch paper within an area not to exceed 7 1/2 inches in width and eight inches in height.
 - Not provided, and a waiver has not been requested. We defer additional comment regarding this requirement to the Board Engineer.

Acknowledged. A waiver is requested for this submission item. Existing and proposed fire hydrants have been labeled on the Utilities Plan.

We are in receipt of the Planning Review # 1 Letter, prepared by Heyer, Gruel & Associates, dated November 12, 2025 and offer the following responses:

1. **Site Description:**

- It appears there was a one story attached greenhouse to the structure that appears to no longer exist, applicant should confirm.

The one-story greenhouse attached to the existing structure has been removed.

- Applicant should consider updating the driveway to reduce the ponding issue.

Ponding was noted along the Mount Pleasant Place driveway.

Sheets C-401 and C-402 have been revised to provide an additional storm inlet and re-grading to provide an outlet for runoff that ponds in the Mount Pleasant Place driveway.

2. **Proposed Project:**

- Applicant should confirm that all the existing active tenant spaces within the eastern sections of the building are to remain.

The existing active tenants on the eastern side of the shopping center are to remain open and active at all times during construction.

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.

Acknowledged.

3. **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.

Acknowledged.

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.

Acknowledged.

6. Site Plan Review:

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

The total number of employees is ±80 (10 full-time; 70 part-time). Hours of operations are Daily, from 9 a.m. – 9 p.m. Shifts range from 4 to 9 hours, starting at 5 a.m. and leaving at 11 p.m. 2-3 deliveries are expected daily. Please refer to the document entitled "Proposal" included in the initial township submission.

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.

The variance condition noted under §25-12.1 is no longer required due to proposed maintenance of existing privacy fencing and preservation of existing vegetation which will serve as parking lot screening, as permitted by the Township Ordinance. Pursuant to §25-12.1 and §24-4e.8, the Landscape Plan (sheet L-201) has been revised to include a total of 30 proposed trees.

As discussed during the SPRAB meeting, it is the applicant's understanding that the Planning Board views any nonconformity which is to remain unchanged as an existing nonconforming condition which does not require variance relief, and that it views any nonconformity which is to be improved as a change which does require variance relief. Applicant respectfully requests that the next Planning Review be revised and updated for consistency in that regard.

- 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.

The Landscape Plan (sheet L-201) has been revised to include a minimum of 19 parking lot trees. No variance is requested.

- b. Some of the existing fencing on the property is noted to be in state of disrepair, applicant should consider updating/ repairing the fencing.

A note has been added to sheet C-301 directing the contractor to replace any segments that may be in disrepair. Please refer to the Demolition Plan and the Site Plan showing the fence along Mount Pleasant Place to be replaced in kind.

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.

The Lighting Plan has been revised to comply with the required minimum illumination at streets (§25-14.3).

- a. The applicant should revise the lighting plans to eliminate any light spillage on lots outside of the subject property.

The proposed maximum illumination at property lines has been designed in compliance with the Township Ordinance (§25-14.1.d). Light spill onto the adjacent lots has been limited to the maximum extent practicable given the site constraints and Township Ordinance requirements.

- b. The applicant should confirm the proposed illumination levels throughout the entire property, and revise the lighting plan to articulate this.

An existing light study was performed to identify the existing light levels throughout the areas of the site noted to remain. The Lighting Plan has been revised to provide additional and/or supplemental lighting throughout any areas found to be deficient of the minimum lighting required by Township Ordinance.

- 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.

The Lighting Plan has been revised to comply with the required minimum illumination at streets (§25-14.3).

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.

Sheet C-301 has been revised to reflect the updated proposed parking total of 188 total spaces, consisting of 184 physical spaces and an EV credit of four (4) spaces for zoning purposes.

As the site proposes an increase of only 19 new physical parking spaces, and per N.J.S.A. 40:55D-66.20.i only the number of new off-street parking spaces are taken into consideration with respect to EVSE requirements, the project falls under the following section of the Township of West Orange EVSE Ordinance: §25-12.6.d.2.(h): A retailer that provides 25 or fewer off street parking spaces shall not be required to install any electric vehicle supply equipment or make-ready parking spaces. The applicant proposes to install four make-ready parking spaces where none are 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.

Sheet C-301 has been revised to provide dimensions from entrance/exits of parking areas to the boundary of residential districts. The existing nonconformities are to remain.

- b. Will there be any commercial vehicles parked on site?

No commercial vehicles will remain parked on-site.

- c. The applicant shall provide testimony regarding:

The frequency of deliveries expected to the site.

Testimony regarding delivery frequency will be provided. The applicant anticipates 2-3 deliveries daily.

- 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.

Sheet C-301 has been revised to provide an updated parking count based on layout changes. There are 184 physical spaces provided, but utilizing the 'double counting' as permitted in the Township of West Orange EVSE Ordinance, the four (4) make-ready electric vehicle charging stations count as eight (8) for a total of 188 parking spaces towards zoning compliance.

- e. Further, applicant should confirm the number of spaces that are non-conforming parking stall sizes.

A total of 103 existing parking spaces are non-compliant with the township requirement for parking stall size. Of these 103 parking spaces, 50 will be removed and replaced with compliant parking stalls, where 53 will remain.

- 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.

As the site proposes an increase of only 19 new physical parking spaces, and per N.J.S.A. 40:55D-66.20.i only the number of new off-street parking spaces are taken into consideration with respect to EVSE requirements, the project falls under the following section of the Township of West Orange EVSE Ordinance: §25-12.6.d.2.(h): A retailer that provides 25 or fewer off street parking spaces shall not be required to install any electric vehicle supply equipment or make-ready parking spaces. The applicant proposes to install four make-ready parking spaces where none are required.

- 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.

Sheet C-301 has been revised to provide a 10' x 20' trash enclosure along the proposed retail building. An additional 10' x 10' trash enclosure is also proposed in the general location of the existing dumpsters, which will be removed/relocated into the screened enclosure.

- 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.

Sheet C-303 has been added to the plan set providing truck turning templates for refuse collection. Testimony will be provided regarding the frequency of collection.

- 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.

Sheet C-301 has been revised to provide mill and overlay asphalt repair for a majority of the site. Mill and overlay asphalt repair will improve the ability for runoff to sheet flow over these surfaces by reducing localized depressions in the existing asphalt. Additionally, Sheet C-401 & C-402 have been revised to provide a catch basin in the Mount Pleasant Place driveway to capture ponded stormwater into the proposed on-site conveyance network.

- 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.

Sheet C-301 has been revised to provide crosswalks traversing the main drive aisle.

- 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.

The enclosed architectural plans have been revised to indicate new finishes to be installed on the existing mansard roof as well as the addition of matching canopy columns in front of the Trader Joe's lease area so there's a cohesive updated façade for the entire center. All new finishes and design elements are noted accordingly on the updated, resubmitted, drawings. Testimony will be provided accordingly at the hearing.

10. Signage:

- 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.

All signage will be controlled to be illuminated only within the hours permitted by the jurisdiction. No illumination of the signage to be between the hours of 10:00pm and 7:00am.

11. Variances and Waivers Required:

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

Applicant submitted a public records request to the Township for all prior approvals, and submitted those which were received. These records only go back to 1994, and some of the prior approvals do not clearly articulate the exact relief which was granted. Therefore, Applicant believes all non-conforming conditions to be lawful nonconformities, it cannot verify this with complete certainty.

- 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.

Acknowledged.

- 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.

Acknowledged.

- 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.

Acknowledged.

- 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.

Acknowledged.

- 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.

Acknowledged.

- 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.

Acknowledged.

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.

Sheet C-301 has been revised to provide an updated impervious coverage square footage. This improves an existing nonconformity.

- b. **Insufficient Parking Lot Trees (§25-12.1)** – A minimum of 19 trees are required within the parking area, where 15 trees are proposed.

The Landscape Plan (sheet L-201) has been revised to include a minimum of 19 parking lot trees. No variance is requested.

- 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.

Acknowledged.

- 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.

Acknowledged. The light levels have been increased to meet the requirement to the maximum extent practicable. A variance is requested to provide less than 2.0 footcandles throughout the existing and proposed parking areas, due to site constraints and the maximum mounting height and property line illumination permitted by the Township Ordinance. This improves an existing nonconformity.

- e. **Insufficient Number of Loading Spaces (§25-12.3)** – Where a total of 4 loading spaces is required, 2 loading spaces are proposed.

Acknowledged. This improves an existing nonconformity.

- 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.

As the site proposes an increase of only 19 new physical parking spaces, and per N.J.S.A. 40:55D-66.20.i only the number of new off-street parking spaces are taken into consideration with respect to EVSE requirements, the project falls under the following section of the Township of West Orange EVSE Ordinance: §25-12.6.d.2.(h): A retailer that provides 25 or fewer off street parking spaces shall not be required to install any electric vehicle supply equipment or make-ready parking spaces. The applicant proposes to install four make-ready parking spaces where none are required.

- 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.

Acknowledged. This sign will be over the main entrance to the Trader Joe's on the return side of the building facing the new parking area.

- 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.

Acknowledged. The storefront mansard canopy extension of 8'-7" is existing and is being proposed to remain. This existing canopy will be refinished across the length of the shopping center and additional columns added underneath for a consistent cohesive appearance for the shopping center façade. No structural modifications are being proposed to the existing canopy.

12. Statutory Criteria:

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.

Acknowledged.

13. Conformance with the Township's Master Plan

- 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.

Acknowledged.

We are in receipt of of the Technical Engineering Review letter prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, PC, dated November 12, 2025:

1. General

- 1.1 The ALTA/NSPS Land Title Survey indicates that most of the westerly and northwesterly property line is bound by the West Branch (incorrectly labelled as the South Branch) of the Rahway River. The Survey also indicates that a significant portion of the parcel is with the Flood Hazard Area of the River and to a lesser extent the River's Riparian Buffer impacts the site. A small portion within the rear of the parcel near Mt. Pleasant Place is a wetlands buffer. The Applicant shall provide testimony on the impact of the proposed improvements on these environmental features and the need to apply to the New Jersey Department of Environmental Protection for any permits.

Proposed improvements on site are permitted and follow all requirements set forth in the Permit by Rules in NJAC 7:13. Specifically, the Permit By Rules are: Permit-by-rule 8 (7:13-7.8), Permit-by-rule 39 (7:13-7.39), and Permit-by-rule 40 (7:13-7.40). Submission and review by the New Jersey Department of Environmental Protection is not required per NJAC 7:13-6.3(a) 'An activity that meets the requirements of a permit-by-rule may be conducted without prior Department approval'.

- 1.2 Two different addresses are used in the application: 457 Mt. Pleasant Avenue and 471 Mt. Pleasant Avenue. Which is the correct one for Trader Joe's?

The civil site plans have been revised to reflect 457 Mt. Pleasant Ave as the address for the site. The application and plans are consistent.

2. Demolition

- 2.1 The Applicant shall provide testimony as to the intention to remove, demolish, or otherwise modify any existing exterior site elements for the proposed development.

Testimony will be provided regarding the intention to remove, demolish, or otherwise modify all exterior site elements pertaining to the proposed development.

3. Site Plan

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

Testimony will be provided regarding the existing site conditions, proposed improvements, and conformance with applicable ordinances and regulations.

- 3.2 A total of 187 parking stalls are proposed which includes ADA compliant stalls and EV stalls. The applicant shall provide testimony as to the adequacy of this number of stalls or if any variances are required.

Acknowledged. Testimony regarding parking adequacy will be provided. As a result of plan revisions, 184 physical spaces are now provided, including ADA compliant stalls and EV stalls. However, due to the EV credit of four (4) spaces, a total of 188 spaces are proposed for zoning purposes.

- 3.3 It appears that some sections of the parking lot and some sections of circulation driveways do not have either block or concrete curb along their perimeters as required by Ordinance 25-12.1.B.

Acknowledged. This existing nonconformity will remain and has been denoted on the 'Parking & Loading Table' on Sheet C-301 as such. Additional concrete curbing has not been provided due to the fact it will alter the predevelopment drainage patterns and limit the ability for stormwater runoff to sheet flow as it does in the existing conditions.

- 3.4 An existing fence is depicted along the easterly property line, where it abuts residential uses, as required by Ordinance 25.12.1.B. The Applicant shall provide testimony as to the condition of this fence. Any deteriorated sections will need to be replaced/repaired.

Testimony will be provided regarding the condition of the existing fence along the easterly property line. Observations made during a site visit determined the fence to be in fair condition. A note has been added to sheet C-301 directing the contractor to replace any segments that may be in disrepair.

- 3.5 New parking areas to the south and west of the Main Building will receive milling and a pavement overlay or a complete pavement reconstruction. The Applicant shall provide testimony on the condition of the pavement in the remainder of the existing parking areas and circulation driveways and propose any repairs/improvements where necessary.

Sheet C-301 has been revised to provide additional asphalt milling and pavement overlay in areas of the site that contain pavement deemed to be in poor condition.

- 3.6 A new 10 foot by 10 foot trash enclosure is depicted on the easterly side of the Trader Joe's building. Are there any plans to eliminate the two dumpsters that are shown in the northeasterly corner of the property?

Sheet C-301 has been revised to provide a new proposed 10' x 20' trash enclosure along the proposed retail building, as well as a new proposed 10' x 10' trash enclosure in the location of the two existing dumpsters. The existing dumpsters will be removed/relocated to the proposed 10' x 10' enclosure. Sheet C-303 has been added to the plan set to show the circulation of the garbage truck accessing these dumpster locations.

- 3.7 Two cart corrals are provided adjacent to the Trader Joe's entrance to server shoppers entering the facility. Where to exiting shoppers place their carts? No corrals are depicted in the parking areas.

Sheet C-301 has been revised to provide three (3) cart corrals located within the parking area. The Parking & Loading table has been revised to remove these three parking stalls from the proposed parking count.

- 3.8 The Applicant shall provide testimony regarding the parking lot striping and whether such will be repainted. One set of directional arrows at the easterly Mt. Pleasant Avenue driveway is proposed to be repainted.

Sheet C-301 has been revised to provide a note directing the contractor to re-paint any existing pavement markings that are deemed to be in poor condition as required.

- 3.9 The Applicant shall provide testimony regarding the intention to install any ground signage, including but not limited to, monument signage, exterior building signage, sign boards, etc.

Testimony will be provided regarding ground signage. No ground signage is proposed at this time.

4. Grading, Drainage and Stormwater Management

- 4.1 Ordinance 2918-25 adopted on May 20, 2025 classifies this project as a Major Development. Consequently the plan shall address both water quantity and water quality standards. The Stormwater Management proposes to achieve these standards using porous pavement in the reconstructed parking area on the westerly side of the Main Building. However, this stormwater management facility is located within the Flood Hazard Area (FHA) of the West Branch of the Rahway River. The Applicant shall provide testimony as to how this facility will operate and perform when inundated with flood water from the River.

Testimony regarding the function of the stormwater management facility during the flooded condition will be provided.

- 4.2 Since improvements will be constructed within the River's Flood Hazard Area, permits will be required from the NJDEP. Also the Township, through the Municipal Engineer's office, shall issue a permit to the Applicant for compliance with the Township's Stormwater Management Regulations.

Proposed improvements on site are permitted by and follow all requirements set forth in the Permit by Rules in NJAC 7:13. Specifically, the Permit By Rules are: Permit-by-rule 8 (7:13-7.8), Permit-by-rule 39 (7:13-7.39), and Permit-by-rule 40 (7:13-7.40). Submission and review by the New Jersey Department of Environmental Protection is not required per NJAC 7:13-6.3(a) 'An activity that meets the requirements of a permit-by-rule may be conducted without prior Department approval'.

- 4.3 The West Branch of the Rahway River along this parcel's westerly and northwesterly property line needs to be cleaned of debris and overgrown vegetation.

Acknowledged. Debris will be removed from the West Branch of the Rahway River as a condition of approval.

5. Soil Erosion & Sediment Control

- 5.1 A Soil Erosion and Sediment Control Plan was prepared as part of the site plan submission. This Plan shall be approved by the Hudson Essex Passaic Soil Conservation District.

Hudson-Essex-Passaic Soil Conservation District Certification was obtained for the proposed development on September 30, 2025. A copy of this certification has been enclosed within this submission.

- 5.2 The soil stockpile area appears to adversely impact access to existing store fronts. Another location should be considered.

Sheet C-801 has been revised to re-locate the soil stockpile to a portion of parking stalls along the eastern property line, away from the existing storefronts to remain.

6. Site Lighting

- 6.1 The Applicant shall provide testimony regarding the site's compliance with Township Ordinance §25-14, related to lighting levels. The Applicant shall review the need for replacement or supplemental lighting to meet the minimum lighting level criteria in §25-14.3 particularly behind the Main Building as well as to its east, while minimizing light spillover onto adjacent properties. Should additional lighting improvements be required, the Applicant shall provide a lighting plan to depict the characteristics of the additional proposed lighting, as well as a photometric analysis to demonstrate compliance with minimum illumination requirements. Additionally, the plan shall be revised to depict any existing light poles on-site that will remain, particularly those that may be behind the building and on the driveway to Pleasant Valley Way.

The Lighting Plan has been revised to depict replacement and/or supplemental lighting throughout the property, where existing lighting does not meet township requirements. The proposed site lighting throughout the property has been designed in accordance with the Township Ordinance §25-14.3 where allowable. A variance is requested to provide less than 2.0 footcandles throughout parking areas due to existing site constraints and maximum permitted mounting heights.

7. Landscaping and Buffers

- 7.1 The Applicant shall provide testimony regarding existing vegetation, and any related removals, replacements, or new planting areas. The Applicant shall also confirm the presence of required buffers as the property abuts residential zones.

Testimony regarding the existing vegetation and related removals and replacement will be provided. A total of five (5) existing trees are proposed, three (3) are non-viable and two (2) are viable. To account for the five (5) total trees to be removed, fourteen (14) new replacement trees are proposed, in compliance with §28-8 Tree Replacement of the Township Ordinance.

8. Utilities

- 8.1 The Applicant shall provide testimony on utility service lines, laterals, connections, or associated appurtenances that are proposed for the new facilities. The Applicant shall clean and televise the existing sanitary lateral and any roof drainage laterals intended to be reused prior to construction.

Acknowledged. Cleaning and CCTV inspection will be provided as a condition of approval.

- 8.2 The Applicant shall provide testimony regarding the need to construct any above- or below grade improvements for utility services.

Acknowledged. Testimony regarding above- and below-grade improvements for utilities will be provided.

9. Traffic, Traffic Maintenance and Parking Maintenance

- 9.1 The Applicant shall provide a Traffic Maintenance and Parking Maintenance Plan depicting how traffic and circulation patterns and parking for those retail facilities that remain will be maintained during the construction period.

Acknowledged. A Traffic Control Plan has been prepared by TPD Inc. and enclosed within this submission.

- 9.2 Vehicle access, egress and turn restrictions shall remain as previously approved.

Acknowledged.

- 9.3 There appears to be a small inconsistency between the number of parking stalls on the Site Plan and the number of stalls specified in the traffic report.

The number of physical parking stalls proposed is 184. Four (4) electric vehicles are permitted to count as double per the Township of West Orange EVSE Ordinance §25-12.6.e.2, bringing the total proposed parking stalls per ordinance to 188.

10. Inspection Escrow

- 10.1 The Applicant shall prepare a construction cost estimate for the site improvements for the purpose of computing the amount of funds to be placed in escrow for site inspections.

Acknowledged. An Opinion of Probable Construction Costs has been enclosed within this submission.

We are in receipt of the Review Memorandum prepared by Walt Kipp, Township Forester, dated November 12, 2025 and offer the following responses:

- 4 dead trees along the north side of the building in the rear lot need to be removed.
- 2 dead trees on the northeast side of the building along the parking close to Mount Pleasant Place exit need to be removed.

Sheets C-201 and L-101 have been revised to note that any existing dead trees located on the subject property are to be removed in coordination with the Township Forester.

- Per Township ordinance 28-4e.8, the 50% required canopy coverage for parking lots does not appear to be met on the replanting plan.

The Landscape Plan (sheet L-201) has been revised to include additional parking lot tree canopy coverage. A calculation of the required and proposed canopy coverage has also been provided in the Compliance Chart provided on sheet L-201.

Should you have any questions or comments concerning this or any other matter, please do not hesitate to contact our office.

Sincerely,

BOHLER ENGINEERING NJ, LLC



Doug Wolfe, P.E.



Tung-To Lam, P.E.

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Enclosure(s)