

TO: Township of West Orange Planning Board

FROM: Malvika Apte, PP, AICP, Planning Board Planner 
Langley Oudemans, Associate Planner

RE: PB Application 25-10
Planning Review # 2
457 Mount Pleasant Avenue (Trader Joe's)
Block 157, Lot 5
Preliminary & Final Major Site Plan Approval and "C" Variances Approval

DATE: December 30, 2025

As requested, we have reviewed the following **resubmitted materials as of December 18, 2025:**

- One (1) copy of filing Transmittal Letter, prepared by Howard D. Geneslaw of Gibbons P.C., dated December 17, 2025.
- One (1) revised copy of Proposal, Application Form, Section G – Requirements for Variances, Item 4A, dated September 17, 2025, revised December 10, 2025.
- One (1) copy of memo- List of Variances Required, Application Form, Section D – Type of Application, dated September 17, 2025, revised December 10, 2025.
- One (1) copy of Reasons for Relief, Application Form, Section G – Requirements for Variances, Item 4B, dated September 17, 2025, revised December 10, 2025.
- One (1) copy of List of Plans & Exhibits, Application Form, Section H, dated September 10, 2025, revised December 17, 2025.
- One (1) copy of Responses to Technical Review Comments, prepared by Doug Wolfe, PE and Tung-To Lam, PE of Bohler Engineering, NJ LLC, dated December 17, 2025.
- One (1) copy of Opinion of Probable Construction Costs, prepared by Bohler Engineering, NJ LLC, dated December 10, 2025.
- One (1) copy of HEPSCD Soil Erosion and Sediment Control Plan Certification, prepared by Matthew J. Ward, dated September 30, 2025.
- One (1) copy of NJDOT Letter of No Interest prepared by Rahmiati Anthony, dated September 18, 2025.
- One (1) copy of Stormwater Management Report prepared by Tung-To Lam, PE of Bohler Engineering, NJ LLC, dated August 2025, revised December 2025.

- One (1) copy of *Traffic Statement for Proposed Retail Store Tax Map 87, Block 157, Lot 5* prepared by Paul B Going, PE and David W Fahim, PE of TPD dated September 19, 2025, revised December 12, 2025.
- Three (3) Sheets titled *Traffic Control Plans* prepared by Paul B Going, PE of TPD dated December 10, 2025.
- Twenty (20) Sheets titled *Proposed Retail Store 457 Mount Pleasant Avenue Preliminary and Final Major Site Plan*, prepared by Bohler Engineering, NJ LLC, dated September 17, 2025, revised December 10, 2025.
- Five (5) Sheets of Trader Joe's 457 Mount Pleasant Avenue Architectural Plans, prepared by Jeffrey Taylor Architects, dated December 12, 2025.

Originally Received Application 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 Assessor, 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 *(This comment is reiterated from our previous memorandum)*

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 29,187 square-foot one-story masonry strip mall (the "Main Retail Building") with a pitched roof. There was a one-story greenhouse attached to the structure which no longer exists. A 3,254-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 comprised of approximately 165 existing 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 appear 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 has proposed mill and overlay asphalt repair for a majority of the site to address the ponding issues.

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. Bryne Golf Course.

2. Proposed Project:

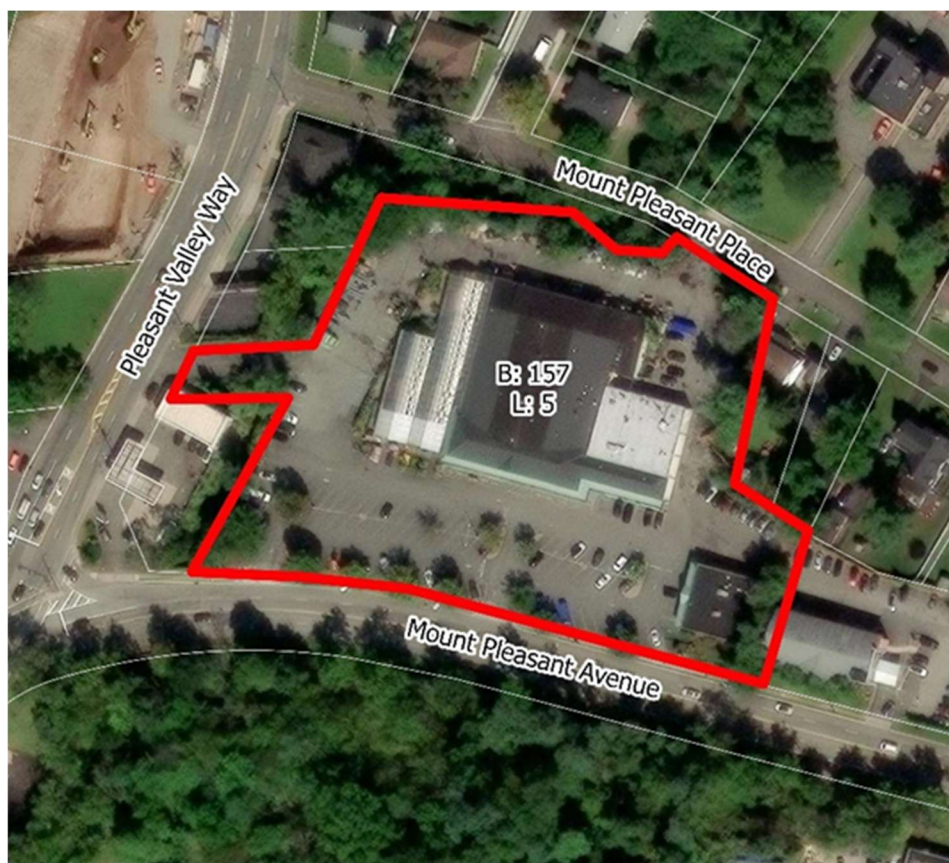
The applicant, Trader Joe's East, Inc., is seeking a preliminary and final major site plan approval, tree removal and replacement approval, soil removal approval and "c" variances approval, to retrofit approximately 18,800 square feet of existing tenant space within the Main Retail Building (and use its approximately 1,522 square foot mezzanine for mechanical equipment) into a Trader Joe's retail grocery store. Further, the applicant proposes adding nineteen (19) additional parking spaces, including four (4) ADA and four (4) EV spaces, increasing the total number of surface parking spaces on the property from 165 spaces to 184 spaces (188 including EV credit.) 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. There will be no expansion to the existing building envelope. 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 include new finishes to be installed on the existing roof as well as the addition of matching canopy columns so there is a cohesive updated façade for the entire center. The alterations will also 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 close 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 an existing wood fence, which is to be evaluated and replaced in kind as necessary, will be accessed along the eastern façade.



Subject Site Aerial
Source: NJ Geo Web

3. Previous Site Approvals *(This comment is reiterated from our previous memorandum)*

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 *(This comment is reiterated from our previous memorandum)*

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. Completeness

Our office issued a Completeness Review dated November 12, 2025. The memorandum, recommended that the application is capable of being deemed complete provided the following items are addressed. Noted below are the items that were noted missing and applicant's response to items:

§ 25-51.2 Administrative Requirements.

e. Site inspection authorization form. *A signed application form was provided. This item is complete.*

f. Compliance with legal notice requirements. *We defer to the Planning Board Attorney.*

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. *The copy of letters has been submitted.*

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

a.9. The survey plat was required to be signed and sealed. Applicant has confirmed this has been provided. *We defer to Board Secretary to confirm a signed and sealed copy has been provided.*

c.10- Environmental Impact Study- Per Checklist item, an EIS is to be provided however, per § 25-13.3, all preliminary and final site plan applications consisting of 5 acres or more shall be accompanied by EIS statement. *This item is not required, however if the Board determines in consultation with Planning Director if this items is required, they may do so.*

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

a. **Verification that all of the conditions of the preliminary approval have been met.** *This item has been acknowledged.*

b. 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. *A waiver has been requested.*

6. 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.

- 7. 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. No changes from previous memorandum.

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	43.1 feet	No change
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

ENC = Existing non-conforming condition; V = Bulk variance required

8. Landscaping and Fencing

The revised landscaping plan now shows 30 proposed trees. Per the previous memorandum, a total of five(5) trees were to be removed and 10 new replacement trees were being proposed. With addition of 30 trees throughout the shopping center this is acceptable. Additionally, all fencing (especially along the north eastern portion of the property) which is in state of disrepair is to be replaced. The table below has been revised based on the revised landscape plan. The following is noted;

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	Transformer Pad not screened (V)
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)	Replace all existing fence that is in state of disrepair
	In parking areas with 30 or more parking spaces, there shall be a 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	N/A	187 parking spaces / 10 = 19 trees 30 trees are proposed
Loading Area Screening (§25-12.3)	Parking areas and off-street truck-loading spaces shall be suitably paved, drained, lit, appropriately planted and fenced for the protection of adjacent properties in accordance with specifications of the Township	N/A	8 ft. High CMU Screen Wall is proposed.

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	fencing > 4 feet tall (ENC)	Maintain existing fencing (ENC)

	property, in all districts, provided they are not higher than four feet.		
	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 (ENC)
	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)- Loading Area & Condensing Units

ENC = Existing non-conforming condition; V = Bulk variance required

9. Lighting

Lighting Plan has been revised to comply with the ordinance requirement. During Site plan visit the north eastern portion of the site was noted to be poorly illuminated, the revised plans shows updated lighting levels in that area. The spillage on to adjacent properties has also been eliminated. Following is the revised table:

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	1.2 FC
Max. Illumination at Property Lines	0.5 footcandle	0.5 FC
Max. Height of Wall-Mounted Fixture (§25-14.1)	18 feet	18 feet

ENC = Existing non-conforming condition; V = Bulk variance required

10. Parking and Site Circulation

The applicant proposes to expand the total number of surface parking spaces from 165 to 188 (including EV credit.) Applicant is proposing to add additional storm inlets and regarding to provide an outlet for runoff that creates a ponding situation. We defer to Board Engineer to determine proposed stormwater management procedures for the site. 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 nineteen (19) 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	184 physical spaces + 4 bonus credit from 4 EV parking spaces**= 188 total spaces

Parking and Loading Space Requirements			
	Ordinance Requirements	Existing	Proposed
Required Electric Vehicle Parking Spaces (§25-12.6)	(§25-12.6-2.h) A retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces. New parking proposed = 19 spaces	N/A	4 make-ready spaces 1 ADA make-ready space
Number of Loading Spaces (§25-12.3)	4	1	2(V)
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 X 42.9 (ENC) 15 X 40
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, 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.	Mount Pleasant Ave = 33.4' Mount Pleasant Place = 21.4' (ENC)***	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

ENC = Existing non-conforming condition V = Bulk variance required

*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."

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

The following were noted comments in our previous memorandum and with revised submittal, the comments are updated:

- a. The applicant shall confirm that each entrance or exit from such parking area shall be at least 50 feet from any residential district. **This is an existing non-conformity.**
- b. Will there be any commercial vehicles parked on site? **Applicant indicates no commercial vehicles on site.**
- c. The applicant shall provide testimony regarding:
 - a. The frequency of deliveries expected to the site. **Testimony to be provided.**
- 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. **Revised plans indicate 184 physical parking spaces.**

- e. Further, applicant should confirm the number of spaces that are non-conforming parking stall sizes. **53 non-conforming parking stall size to 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. **4 proposed EV spaces complies.**
- 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. **A revised enclosure of 10 x 20 is proposed.**
- 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. **Truck turning templates have been added. Timings should be discussed.**
- 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. **Applicant has proposed remediation, we defer to Board Engineer.**
- 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. **Crosswalks have been proposed.**
- 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. **Revised architectural elevations show a cohesive design.**

11. 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)

ENC = Existing non-conforming condition; V = Bulk variance required

12. Existing Non-Conformities to Remain:

- Min. Side Yard Setback (Contiguous to Residential Lots) (§25-11.2)** – A minimum setback of 75' is required, but the existing non-conforming condition is 40.3' with no change proposed.
- Fence Height (§25-8.4)** - 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, but the existing non-conforming condition is >4' with no change proposed.
- Fence Height (§25-8.4)** - In all nonresidential districts, fences or walls not exceeding six feet in height shall be permitted in the side and rear yards, but the existing non-conforming condition is 8' with no change proposed. It is noted however, sections where fence is in state of disrepair shall be replaced.
- Loading Spaces (§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. The existing to remain loading space is an existing non-conforming use at 9.2' x 42.9'. The proposed loading space complies with the minimum standard.
- Parking Space Size (§25-12.1)** - Standard size parking spaces shall have minimum dimensions of 9' x 18' feet, but the existing parking spaces with the non-conforming condition of 8' x 14.8' will be

maintained with no change in the plan. It is noted that 53 of the existing non-conforming stall sizes are to remain. The proposed parking spaces comply with the minimum standard.

- f. **Distance between Drive Aisle and Residential District (§25-12.1)** - Each entrance or exit from such parking area shall be at least 50' from any residential district, but the existing non-conforming condition is 33.4' from the residential district on Mount Pleasant Avenue and 21.4' from the residential district on Mount Pleasant Place with no proposed change.
- g. **Monument Signage Minimum Setback (§25-15.3.C.2)** - A minimum setback of 10' from the property line is required, but the existing non-conforming condition is 3.3' with no change proposed.
- h. **Monument Signage Minimum Height (§25-15.3.C.2)** - A minimum height off the ground of 2' is required, but the existing non-conforming condition is 0' with no change proposed.
- i. **Monument Signage Maximum Width (§25-15.3.C.2)** - A maximum width of 6' is required, but the existing non-conforming condition is 7.6' with no change proposed.

13. Variances and Waivers Required:

Bulk/"C" Variances

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. **Location of Accessory Uses in Front Yard (§25-8.1. a)** - Applicant proposes parking within front yard (modifies existing front yard parking), whereas accessory uses are not permitted in the front yard.
- c. **Insufficient Minimum Setback of Accessory Use (§25-8.1.b)** - Applicant proposes parking with a setback of 5', whereas the minimum setback of an accessory use abutting a residential district is 10'
- d. **Yard Encroachment by Accessory Structures (§25-8.2)** - Applicant proposes trash enclosure in the Mt. Pleasant Place front yard, whereas yard encroachments by accessory structures are not permitted.
- e. **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 an 8' high screen wall.
- f. **Insufficient Screening of Utility Structures (§25-8.15)** - Utility structures shall be screened on at least three sides by landscaping, whereas applicant is proposing a utility area directly adjacent to the building with no proposed landscape screening.
- g. **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.

- h. **Insufficient Number of Loading Spaces (§25-12.3)** – Where a total of 4 loading spaces is required, 2 loading spaces are proposed.
- i. **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.
- j. **Excessive Canopy Extension (§ 25-14.4.I)** - Where a maximum canopy extension of 6 feet is permitted, an extension of 8'-7" is proposed.

14. 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.

15. 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.