

VIA UPS/EMAIL

February 5, 2026

Diana Chandler, Secretary – dchandler@westorange.org
Township of West Orange Zoning Board
66 Main Street
West Orange, NJ 07052

42 Eagle Ridge Way – Waystone Realty, LLC

Block 106, Lot 24.01
Township of West Orange, Essex County, NJ
Project No. 24006174A

Dear Ms. Chandler,

Our office is in receipt of two review letters regarding the above-mentioned project. Below please find our responses to the comments outlined in said letters. The comments have been repeated again for clarity.

In addition, please find enclosed six (6) copies of the Steep Slope Disturbance Exhibit (Sheet 1) prepared by our office, dated February 5, 2026, for review.

CME Planning Review #1, dated December 16, 2025

- a. This planning report is a supplement to the planning reports previously provided to the Board. All comments provided in the previous planning report of the Nishuane Group, dated January 28, 2025, and September 2, 2025, remain valid and should be addressed by the applicant.

Response: These comments were addressed previously in a letter prepared by our office, dated July 2, 2025. These comments are repeated below.

- b. The application as proposed will require two d-1 use variances, to permit a hippotherapy use and an accessory apartment in the R-1 district. The applicant must satisfy both the positive and negative criteria for each of these variances:

- i. Positive Criteria: The applicant must show that there are special reasons to grant the variance. Special reasons can come in one of three forms: 1) that there is a practical hardship or burden and economic inutility in using the site for one of the permitted uses; 2) that the proposed use is inherently beneficial; or 3) that the proposed use will promote the general welfare by advancing one of the purposes of zoning, and that the site is particularly suitable for the use.

Response: Statement of fact, Joseph H. Burgis PP will provide testimony.

- ii. Negative Criteria: The applicant must show that the variance can be granted without substantial detriment to the public good, and without substantially impairing the intent and purpose of the zone plan.

Response: Statement of fact, Joseph H. Burgis PP will provide testimony.

- c. The applicant should provide a summary of the revisions to the plans that have been made as a result of previous discussions with the Board and the review letters of the professionals.

Response: A full list of revisions is attached.

- d. We defer any comment on grading, drainage, utilities, and stormwater management to the Board Engineer.

Response: Statement of fact.

- e. The applicant should address the status of any necessary outside agency approvals.

Response: Soil Erosion and Sediment Control Plan Certification shall be obtained from the Hudson Essex Passaic Soil Conservation District once Site Plan Approval is obtained.

Matrix New World Engineering Review No. 3, dated December 16, 2025

1. General

1.1. Architectural drawings were provided as part of the submission. It appears that the proposed buildings comply with the residential building design criteria specified in Ordinance §25-9.7(b).

Response: Statement of fact.

1.2. A property boundary and topographic survey was submitted. It was prepared by Kiersten Osterkorn, P.E., P.L.S. of Omland and Osterkorn, dated May 22, 2024. This survey may need to be updated to reflect any recent ground disturbance.

Response: Statement of fact, see page 2 of 9 of the submitted plans, an as-built survey will be provided.

2. Demolition

2.1. The Applicant shall provide testimony regarding the intention to remove any additional trees and obtaining a Tree Removal Permit pursuant to Ordinance §25-27.

Response: Testimony has been provided.

3. Layout Plan

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

Response: Testimony has been provided.

3.2. Steep slope calculations were submitted, but there is an error in the land area with slopes between 10 and 14.99 percent. Also a plan that shows the location of each area of steep slopes is required. The Applicant will need to provide testimony relative to the steep slope calculations.

Response: The area with slopes between 10 and 14.99% will be corrected to 9,754 SF, and a steep slopes plan will be provided. Testimony has been provided.

3.3. Modular block walls are proposed in the easterly portion of the site. The plan and detail indicates the walls will not exceed four feet in height. A building permit is not required for a wall four

feet or less in height. However, a global stability analysis with supporting calculations shall be submitted by the Engineer to ensure that the wall can sustain the proposed wall loadings.

Response: If the applicant's engineer determines necessary, global stability calculations will be provided prior to obtaining a building permit.

3.4. The Engineer prepared a plan superimposing existing and proposed contours using different grey scales to distinguish between the two sets of contours.

Response: Statement of fact.

3.5. Soil movement calculations within the limit of Disturbance were provided by the Engineer.

Response: Statement of fact.

3.6. The Engineer shall provide information and testimony on the types of vehicles that will frequent this Site and how those vehicles will maneuver within the Property.

Response: Testimony has been provided.

3.7. Waste disposal, particularly horse waste, shall be addressed. A compost facility is depicted along the southerly elevation of the structure, but information and testimony are required on how this compost facility will be used along with frequency of collection and vehicle maneuverability.

Information and testimony shall be provided on methods to control odors.

Response: Testimony and detailed information have been provided.

3.8. A detail of the Proposed Pavement (Typ,) was provided.

Response: Statement of fact.

3.9. The Engineer shall provide testimony if any of the proposed improvements encroach on wetlands or wetlands buffers that exist along the westerly side of Eagle Ridge Way opposite this site. The NJDEP advised the Township that the drainage way on the easterly side of Eagle Ridge Way is not a regulated waterway.

Response: Per the drawing titled Condominium Map for The Pointe at Crystal Lake, dated April 14, 2000, prepared by Langan Engineering and Environmental Sciences, the wetlands and wetlands buffer located on the property on the northern side of Eagle Ridge Way is contained fully on that property. No wetlands or wetlands buffers extend onto the subject property.

4. Grading & Drainage Plan

4.1. The storm water management plan was designed to comply with the regulations that were in effect at the time of the submission of the application. These regulations are contained in West Orange Ordinance No. 2870-24, adopted on November 25, 2024. The Engineer shall provide testimony that these are the regulations that were applied to this application.

Response: Statement of fact. Testimony shall be provided.

4.2. The Applicant shall clarify which rainfall data is used for the stormwater analysis, the source of the rainfall data is not referenced or provided in the report.

Response: The source of the rainfall data is Table 5-1 of the NJDEP BMP Manual, "County Specific, New Jersey 24-Hour Rainfall Frequency Data". This reference will be added to the Stormwater Management Report.

4.3. Both the pre- and post-development hydro-CAD analysis titles are “Future Rainfall”. The source of the rainfall amounts should be clarified in the report as well as how the future rainfall amounts were calculated. Additionally, a pre- and post-development hydro-CAD analysis for the “Current Rainfall” should also be provided to ensure reductions are met for these storms as well.

Response: Per Chapter 5 of the NJDEP BMP Manual, current precipitation adjustment factors for Essex County are as follows:

2-Year	1.01
10-Year	1.03
100-Year	1.06

Per Chapter 5 of the NJDEP BMP Manual, future precipitation adjustment factors for Essex County are as follows:

2-Year	1.19
10-Year	1.22
100-Year	1.33

Therefore, the precipitation depths of the storm events used in calculations are as follows:

	Rainfall Data – Essex County	NJDEP Current Precipitation	NJDEP Future Precipitation
2-Year	3.44	3.47	4.09
10-Year	5.22	5.38	6.37
100-Year	8.66	9.18	11.52

A revised Stormwater Management Report including this explanation will be provided.

The pre-and-post- development analysis for the “Current Rainfall” is as follows:

Description	2 Year Storm	10 Year Storm	100 Year Storm
A. Existing Conditions			
Design Point 1	2.90 cfs	6.29 cfs	13.67 cfs
Required Reductions (50%, 75%, 80%)	1.45 cfs	4.72 cfs	10.94 cfs
Design Point 2	0.56 cfs	1.25 cfs	2.75 cfs
Required Reductions (50%, 75%, 80%)	0.28 cfs	0.94 cfs	2.20 cfs
B. Proposed Conditions			
Design Point 1	1.20 cfs	3.90 cfs	8.65 cfs
Design Point 2	0.27 cfs	0.58 cfs	1.23 cfs

A revised Stormwater Management Report including this analysis will be provided.

4.4. The approval by the West Orange Planning Board for the adjoining parcel at 40 Eagle Ridge Way included some drainage improvements on this parcel. These plans now reflect these improvements.

Response: Statement of fact.

4.5. The Applicant's engineer shall explain the reason for offsetting the proposed impervious area by the amount of impervious area and regulated motor vehicle surfaces that existed under the prior use. At the time of this application the remnants of the prior use were removed. The application form does not indicate any impervious areas on the parcel. Under recent guidance from the NJDEP for the review of stormwater designs, the "existing conditions" are the conditions that exist today. The Demolition Plan shows structures and driveway area that were previously removed. These pre-existing improvements must be excluded from the "existing conditions" as it relates to the impervious coverage on the parcel.

Response: The demolition of the existing improvements at 42 Eagle Ridge Way took place in 2022, as part and parcel of the Application before this Board. Prior to the issuance of the demolition permit and during the demolition of the improvements, communications were made with the Zoning office regarding the intended development of the property as an equine facility, and concept plans were provided to the Township with a plan to submit full plans in the fall of 2022, as records on file with the Township demonstrate. While these plans were ultimately submitted in the fall of 2024, the development of the project was continuously ongoing. The demolition of the existing improvements was done in the anticipation of the construction of new improvements, not as a stand-alone project with the intention of leaving the site vacant, therefore the demolished improvements are the appropriate surface to be used as the initial/existing conditions for the stormwater management analysis.

4.6. The Applicant's engineer shall provide results of a geotechnical investigation to ensure the infiltration system meets the requirements of Chapter 12 of the NJ Stormwater Best Management Practices (BMP) Manual. Verification of the depth of bedrock and seasonal high-watertable shall be submitted to the Municipal Engineer and confirmed prior to the issuance of a building permit. Test pits shall be made in accordance with NJDEP BMP manual and regulations for groundwater table location. Groundwater mounding calculations for the proposed infiltration basin should be provided in accordance with Chapter 13 of the NJDEP BMP.

Response: The Geotechnical Report is included as Appendix E in the Stormwater Management Report, which will be provided prior to final approval.

4.7. The Times of Concentration were provided along with the method in which they were calculated. The proposed Time of Concentration calculations shall utilize the McCuen-Speiss limitation for determining the length of sheet flow.

Response: The McCuen-Speiss limitation calculations for the proposed drainage areas are as follows:

$$\begin{aligned} \text{PR 1A-P: } \frac{100 \times \sqrt{0.0725}}{0.15} &= 179.51, \text{ maximum sheet flow of 100 ft used} \\ \text{PR 1B-P: } \frac{100 \times \sqrt{0.04}}{0.15} &= 133.33, \text{ maximum sheet flow of 100 ft used} \\ \text{PR 1B-I: } \frac{100 \times \sqrt{0.02}}{0.011} &= 1285.65, \text{ maximum sheet flow of 100 ft used} \\ \text{PR 2-P: } \frac{100 \times \sqrt{0.0833}}{0.15} &= 192.41, \text{ sheet flow of 84 ft used} \end{aligned}$$

A revised Stormwater Management Report including these calculations will be provided.

4.8. The Applicant's Engineer provided calculations on the Drywell overflow for both capacity and discharge velocity and offsite stability calculations as per NJ Soil Erosion and Sediment Control Standards.

Response: Statement of fact.

4.9. Since pervious pavers are not part of the stormwater management system, the Engineer does not need to verify from their manufacturer that there is sufficient storage as specified.

Response: Statement of fact.

4.10 The Engineer provided documentation from the manufacturer of the storage chambers that the storage volume per chamber is as specified.

Response: Statement of fact.

4.11 Conveyance system calculations were submitted. However, the series of proposed inlets that collect runoff from the driveway and pathway areas and route directly into an underground basin require pretreatment in accordance with NJDEP Chapter 5.

Response: Pretreatment will be provided via a typical MTD device. A revised Stormwater Management Report including these calculations will be provided.

5. Landscaping Plan

5.1 Matrix has no comment on the landscaping plan.

Response: Statement of fact.

6. Soil Erosion & Sediment Control

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

Response: Statement of fact.

7. Other

7.1. The Engineer shall prepare a Site Improvement cost estimate for the purpose of determining the amount for an escrow account for site inspections.

Response: A cost estimate will be provided as a condition of approval.

Nishuane Group LLC dated January 28, 2025 (previously provided responses, comments remain the same from September letter)

1. Applicant seeks a D(1) Use Variance where the proposed use is not permitted within the R-1 District.

Response: Statement of fact.

2. N.J.S.A. 40:55D-70(d) permits a Board of Adjustment "in particular cases for Special Reasons" to grant a variance to permit "a use or principal structure in a district restricted against such use or principal structure." This represents the Positive Criteria of the statute. In addition, a showing of the Negative Criteria is necessary to obtain a "d" variance. The applicant must demonstrate that the proposed variance can be granted "without substantial detriment to the public good and will not substantially impair the intent and the purpose" of the Master Plan and Zoning Ordinance.

Response: Statement of fact, testimony will be provided by Joseph H Burgis PP.

3. When considering the granting of a “d” variance, an applicant must demonstrate that special reasons are satisfied by either showing that the proposed use “inherently serves the public good” or that it promotes the general welfare because the proposed site is particularly suited for that use. It was held in *Medici v. B.P.R. Co.*, 107 NJ 1 (1987) that the only “special reasons” which can be considered are those which promote the general purposes of zoning, as listed in N.J.S.A. 40:55D-2. The court emphasized in *Burbridge v. Mine Hill Twp.*, 117 NJ 376 (1990), however, that the MLUL includes all the zoning purposes listed in N.J.S.A. 40:55D-2, not only the promotion of the general welfare. Therefore, each of these listed purposes may support an application for a “d” variance.

Response: Statement of fact, testimony will be provided by Joseph H Burgis PP.

4. Architectural Plans should be provided to provide the Board a better understanding of the proposed structure’s layout.

Response: Architectural elevations were previously provided. Interior layout plans will be addressed by construction permit.

5. Applicant will need a variance for the housing of animals in a principal structure, which is not a permitted use within the R-1 district.

Response: Statement of fact.

6. Applicant will need a variance for an accessory apartment in a principal structure, which is not a permitted accessory use in the R-1 district.

Response: Statement of fact.

7. Applicant shall describe how it will meet the requirements of §10-12 KEEPING OF ANIMALS AND BIRDS or what specific waivers from the code’s requirements it seeks from the Board.

Response: Testimony regarding the keeping of animals has been provided by qualified experts, and further testimony will be provided by the Applicant’s Professional Planner, Joseph H Burgis PP.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Colliers Engineering & Design, Inc.



Justin Ferrazzano
Senior Project Manager