

Attachment to Application

4A. Proposal

Per multiple workshop meetings with West Orange officials and planning staff (collectively, “West Orange”) over the course of 2025, Applicant proposes to demolish the existing commercial structure and existing extensive parking lot of the former Essex House restaurant (“Essex House”), in the B-2 zone located at 525 Northfield Avenue. The existing, obsolete structure and pavement covers nearly all of the non-steep-sloped portion of the site. In place of the current, shuttered use, Applicant will construct a mixed-use building under the Conditional Permitted Uses of the B-2 zone at Ordinance Sec. 25-24.2(m), meeting all of the conditions set forth: (m)(1) through (m)(4).

The site at issue is located at 525 Northfield Ave. (2.2572 acres, B-2 zone, Block 159.04, Lot 1.01, which includes former lots 1.01, 1.02, and 1.03). Applicant’s principals include owners of the site who operated the restaurant there for decades, as well as an experienced developer of mixed-use and inclusionary projects, who lives in West Orange. Applicant therefore is highly familiar with the site, with the surrounding area, and with West Orange as a whole.

The Application complies with Ord. Sec. 25-18.25, which requires that 20% of the residential units in the development—which equates to, 21 apartments (105 units x 20%)-- shall be provided as affordable housing. Since the site is being redeveloped from an existing use, West Orange will be eligible for 1.5 credits towards its Fourth Round affordable housing obligation, for each unit provided.

As discussed with West Orange, Applicant has also entered into discussions with the JCC at 760 Northfield Ave., as to the possibility of including special-needs residences and office space within the project. This would constitute one of the few developments in New Jersey to mix special-needs supportive housing and regular market-rate units. Were this to bear fruit, West Orange could receive 2 affordable housing credits per bedroom in each special-needs unit.

As discussed with West Orange, in order to provide units as deed-restricted affordable housing in accordance with the income levels and unit mix as set forth in the applicable UHAC regulations, at this site, with the physical constraints and complexity as described below, the project will need to yield 105 total units (84 of them market-rate rental units), along with the commercial square footage as proposed.

That is, in order to constitute a viable mechanism with which to address West Orange’s fair-share affordable-housing obligation, the proposed yield of 105 units plus retail, as currently permitted for this B-2 zone site under Ordinance Sec. 25-24.2(m), must be respected.

Applicant had originally discussed at workshop meetings, 115 units, and more retail space than the current proposal, but West Orange preferred to see more space dedicated to amenities, which include the proposed co-working space to accommodate residents who may choose to work remotely, courtyards, the zen garden visible to pedestrians, etc. This reduced the apartments

from 115 units to 105 units, which Applicant understands from the workshop meetings was an acceptable density.

Under West Orange's current zoning, the site can accommodate this use, including the required parking, without any "d" variances under N.J.S.A. 40:55D-70d, and only certain variances under N.J.S.A. 40:55D-70c, as described below.

The site is appropriate for the mixed use as set forth in West Orange's Ordinance. It is located between commercial uses to the west, recreational uses to the south and east, and residential to the north. The site is on the northern side of Northfield Avenue, across, to its south, from that wooded portion of the South Mountain Conservancy area which lies to the east of the Turtle Back Zoo. Further preserved green space to the east of the site itself, on the north side of Northfield Ave., buffers the site from the nearest residences, in that direction. To the site's west, across Sheridan Ave., are commercial properties and St. Cloud elementary school, and the parking lots pertaining to each. Multiple commercial uses, including a hotel, continue west along Northfield Ave. in the B-2 zone, all the way to the major intersection of Northfield Avenue and Pleasant Valley way.

The northmost portion of the site consists of a steep slope, which ranges in height from over 15 feet at Sheridan Ave. to over 35 feet at the eastern end of the site, wooded throughout with trees and supported by old railroad tie retaining walls. The Application proposes to replace and improve the retaining walls, to stabilize the lower, less-steep portions of the slope as shown on sheet SLP-1 of the attached civil engineering plans, to add green space at the foot of the slope, including in an area of current pavement, to conserve and supplement the wooded area, as shown on the Landscape Plan, and NOT to build on the steeper part of the slope. The slope itself fully buffers the adjacent properties to the north, due to their being built atop the slope, and behind a stand of mainly deciduous trees.

Due to the moderate slope of the site along Northfield Ave. from east to west, for the majority of the Northfield Ave. frontage, and the corresponding area of the site, the lowest level will have below-grade parking, with an entrance roughly 1/3 of the way up from the Sheridan Ave. corner. A portion of this lowest level of the proposed building will be at street level at the intersection of Northfield and Sheridan Ave. This will contain the retail use as well. The lowest level will serve to support three levels of apartments. The building will also contain various tenant amenities, including co-working / amenity spaces, a zen garden, a lounge, two (2) outdoor deck spaces and a gym. Approximately 200 parking spaces will be provided on-site, including EV spaces and handicap spaces.

The site plan has been revised multiple times in accordance with requests of the West Orange officials and planning staff, including a setback of the building at the Sheridan Ave. corner for a sight triangle and the amenities as discussed. The workshop sessions confirmed that no "d" variances would be required.

4B. REASONS FOR RELIEF, including 4C-1, 4C-2, and 4E. (4D is not applicable, since no "d" variance is required.)

The Ordinance does not set forth a density limit for mixed commercial-residential structures in the B-2 zone, instead deferring to the suitability of the individual site.

4C-1: The proposed building's height measured in accordance with the Ordinance would require a "c" height variance, from the maximum permitted of 35' above the average grade, to 38.24' above the average grade. This permits conventional 8'-4" residential indoor ceiling height and 10' floor-plate separation, all characteristic and typical of the conditionally-permitted multi-family use.

The additional following bulk variances are requested. They are necessary under the C-1 analysis, due to the presence of existing development on the site, all of which must be demolished and disposed of; the site's unusual topography, which the proposal deploys in order to screen the building and its parking, but which also poses challenges and extra costs for excavation, retaining wall improvements, soil conservation and tree replacement and enhancement, as described and as set forth in the accompanying site plan and architectural sheets; and the requirement that 20% of the units—or a similar yield of special needs units-- be provided as affordable housing, which increases the project's bulk and cost.

Section: 25-7.1, Part B: 30 ft. front yard setback required; 2.4 ft. proposed. This is consistent with pedestrian-oriented mixed-use. **Existing non-conformity.**

Section: 25-7.1. Part B: 25 ft. corner lot side yard setback required; Proposed: 0.4 ft. proposed. This is consistent with pedestrian-oriented mixed-use. **Existing non-conformity. The existing building is partially located in the Township Right of Way**

Section: 25-7.1, Part B: 60% lot coverage permitted; 90.67% existing, 86.79% proposed. **Reduces existing non-conformity.**

Section: 25-7.1, Part B: 40% building coverage permitted; 62.93% proposed. Required to realistically enable affordable housing mechanism

Section: 25-7.1. Part B: 35 ft & 2.5 stories permitted; 38.3 ft. & 3 stories above-ground residential stories proposed. Permits conventional 8'4" multi-family residential indoor ceiling height and 10' floor-plate separation. Required to realistically enable affordable housing mechanism.

Section: 25-11.3: 50 ft. residential buffer required; 13.6 ft proposed, if measured linearly at the narrowest point, along Sheridan Ave. The sole abutting residential properties are to the north of the site, at the top of a steep slope whose base is toward the northern border of the site, as described. The 13.6 ft is measured in linear feet as if the slope were not there. Due to the slope, the actual buffered distance is 13.6' at Sheridan Ave. and increases to well over 50' as the site proceeds eastward.

Section: 25-28.8b: 20% disturbance of a 20%-24.99% steep slope area is permitted; 29% disturbance of the very small portion of the slope that meets this measurement, in its lower margins, is proposed.

Section: 25-28.8.b: 0% disturbance of +25% steep slope area permitted; 31% disturbance of the lower, less-steep portions of the slope is proposed, necessitated due to site redevelopment, including needed reinstallation / reinforcement of retaining walls and stabilization/grading of the lower areas.

Section: 28-4b(4): no trees may be removed on a steep slope area; 23 trees, including approximately one dozen dead/dying trees, are proposed to be removed and replaced in connection with the stabilizing / reconstruction of the slopes and retaining walls, as shown on civil planning sheets C-100 and C-600.

4C-2: As to the C-2 analysis, the project will not only provide new housing stock for the community, it will provide twenty-one (21) much needed affordable housing units, generating 32 credits due to the existing development of the site. Applicant is providing 200 parking spaces, in accordance with the Ordinance's requirements.

As described above, all surrounding uses are compatible with the proposed use and structure, and in addition thoroughly buffered. Northfield Avenue is an arterial road which can accommodate any traffic impacts from the proposal with no significant loss of service or utility to the surrounding road network and intersections, as shown in the accompanying traffic report. The lighting plan conforms to requirements, and, in addition, the building itself will buffer adjacent uses from outdoor light.

The green portion of the existing site is being enlarged, including with supplemental tree plantings.

The water, sewer, electrical, and other utilities can accommodate the proposed use.

The site is already nearly fully developed with impervious cover. It is in New Jersey's Planning Area 1, which encourages development and is therefore designated as an area for growth, with a primary focus on redevelopment and infill, and mixed housing types. The proposed Application epitomizes these factors.

The adjacent green space is well-demarcated and not intruded upon. This creates an especially appropriate location for multi-family residential development, due to the active and passive recreation opportunities, including walking trails, immediately accessible.

Among other purposes of planning as set forth in the Municipal Land Use Law, and as to which Applicant reserves its right to supplement with expert testimony, the project as proposed will

- a. promote the public health, safety, morals and general welfare;
- e. promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions

and preservation of the environment;

g. provide sufficient space in an appropriate location for residential, recreational and commercial uses; and

i. promote a desirable visual environment through creative development techniques and good civic design and arrangement.

4E: No negative impacts are anticipated. Mixed use projects are conditionally permitted in the zone in which the property is located, and the Application meets all of the conditions. The variances sought are all consistent with the permitted use and will not have a substantial impact on the intent of the zone plan or zoning ordinance. Applicant will provide testimony at the time of the hearing.