

TO: Township of West Orange Planning Board

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

RE: PB Application 25-11
Planning Review # 1
525 Northfield Avenue
Block 159.04, Lot 1.01
Preliminary & Final Major Site Plan Approval and "C" Variances Approval

DATE: March 13, 2026

1. Materials Reviewed

As requested, we have reviewed the following materials:

1. Township of West Orange Planning Board or Zoning Board of Adjustment Application Package, dated November 3, 2025;
2. Township of West Orange Tree Removal Application Procedure, dated November 3, 2025;
3. Township of West Orange Tree Removal and Replacement Permit Application [Application Only], dated February 26, 2026 (1 page);
4. EIS Waiver Memo prepared by Jarmel Kizel Architects and Engineers, Inc., dated February 25, 2026 (3 pages);
5. Planning Memo for 525 Northfield Ave., LLC, prepared by Stonefield Engineering and Design, LLC., dated February 27, 2026 (4 pages);
6. Ownership Disclosure Statement, signed by Pedro Gomes and James Markouris, dated November 3, 2025;
7. 525 Northfield Avenue Preliminary and Final Site Plan Application Conditional Use Statement, undated;
8. 525 Northfield Avenue Preliminary and Final Site Plan, prepared Anthony Facchino, PE, of Jarmel Kizel Architects and Engineers LLC, dated October 22, 2025, revised January 26, 2026 (16 sheets).
9. Copy of Treasurer's Check for Application Fees, dated November 3, 2025;
10. 525 Northfield Avenue Architectural Drawings, approved by Matthew B Jarmel, AIA, of Jarmel Kizel Architects and Engineers, dated October 20, 2025, revised January 29, 2026 (5 sheets).
11. 525 Northfield Avenue 200' Property Owners List and Public Utilities List, prepared by Shayne Radice, Sr. Assessing Clerk, undated;

12. Township of West Orange Verification of Taxes and Sewer Charges Paid, prepared by the Office of the Tax Collector, dated November 10, 2025;
13. Sustainability Checklist Form, undated;
14. Township of West Orange Site Plan/Subdivision Checklist; undated;
15. W-9 Request for Taxpayer Identification Number and Certification, prepared by 525 Northfield Ave., LLC, dated November 3, 2025;
16. Checklist for Tree Removal Construction Application/Projects, undated;
17. Township of West Orange Department of Public Works Tree Removal and Replacement Permit Application, dated November 13, 2025;
18. 525 Northfield Ave Traffic Impact Study, prepared by Craig Perego and Connor Hughes of Dynamic Traffic, dated November 10, 2025;
19. Stormwater Maintenance Plan and Field Manual for 525 Northfield Avenue, prepared by Jarmel Kizel Architects & Engineers, Inc., dated January 28, 2026 (22 pages);
20. Stormwater Management Report for Sofia by Gomes, prepared by Jarmel Kizel Architects & Engineers, Inc., dated January 28, 2026 (321 pages);
21. 525 Northfield Avenue Boundary and Topographic Survey, prepared by Michael Pronesti, PLS, dated May 14, 2025;
22. 525 Northfield Avenue Title & Topographic Survey prepared by Michael Lanzafama of Casey & Keller Inc., most recently revised as of July 1, 2011 (1 sheet);
23. List of All Trees on Property for 525 Northfield Avenue, undated;
24. Two (2) Letters to Board Secretary "Preliminary and Final Site Plan Application," prepared by Marsha M. Moore, dated November 10, 2025 and November 18, 2025;
25. Flood Hazard Area Applicability Determination, prepared by Dennis Contois, Supervising Engineer, dated February 21, 2025;
26. Attachment to Application – Requirements for Variances, undated.
27. Transmittal Letter for 525 Northfield Avenue prepared by Post Polak, PA, dated February 6, 2026 (2 pages).
28. Response Letter for Planning Board Application No. PB-25-11 prepared by Anthony Facchino, PE, PLS, PP of Jarmel Kizel Architects & Engineers, dated January 29, 2026 (9 pages).
29. Steep Slope Ordinance 25-28 Letter for PB Application 25-11 prepared by ANS Consultants, Inc., dated January 27, 2026 (4 pages).
30. Transmittal Letter for 525 Northfield Avenue prepared by Post Polak, PA, dated March 2, 2026 (2 pages).

2. Site Description

The subject property, identified as Lot 1.01 of Block 159.04, is located in the southern portion of the Township. The site is an irregularly shaped lot with approximately 436 ft of frontage on Northfield Ave and approximately 172 ft of frontage on Sheridan Avenue. The subject site is approximately 2.53 acres (110,205 SF) in area. A tributary of the Rahway River, Turtle Brook, flows through the property underground via storm pipes.

The subject property is currently developed, but not in operation, with a 1 ½ story commercial building and parking area, formerly known as the Essex House Restaurant. The northern portions of the site include steep slopes, which are currently forested/vegetated and separate the site from the neighboring residential lots. Northfield Avenue, also known as County Road 508, is a four-lane road with a median and center turning lane. Currently there are entrances to the parking lot from both Northfield Avenue and Sheridan Avenue.

The properties surrounding the subject property include residential dwellings to the north, commercial buildings and St. Cloud Elementary School to the west, a large, forested area known as the South Mountain Reservation to the south, further west of which is the Essex County Turtle Back Zoo. The subject property is in the B-2 Retail Business zone, which begins at the subject property and continues along Northfield Avenue to the west. The area includes multiple commercial uses in this district. The remaining surrounding area includes R-5 and R-6 Single Family Residential zones.

3. Proposed Project Review:

- i. The applicant is seeking a preliminary and final major site plan and conditional use approval along with eleven (11) "c" variances, to construct a three-story, mixed-use property with 105 residential units on the upper floors, including 21 affordable units, and 1,200 sq. ft. of commercial space on the ground floor.
- ii. The applicant is proposing to demolish the existing building, associated structures, and site improvements currently on the site.
- iii. The proposed building has four stories, with three stories above the average grade and a ground floor sitting below the average grade. The upper levels are residential.
 - a. The ground floor includes a 1,200 square foot commercial space and amenities for the residents including a 1,950 square foot coworking space, lobby, 600 square foot Zen garden room, and a leasing office. The plan also includes a utility room and transformer room. Attached to this area is the lower-level parking area with 87 indoor spaces, of which

23 spaces are in tandem. The ground floor encompasses about half of the total building footprint.

- b. Level two has 18 residential units, a club room, a lounge room, and a 2,250 square foot lower amenities deck. Additionally, this level houses the upper parking area with 77 spaces and a ramp parking area with 16 spaces.
- c. Level three has 43 residential units, a 1,000 SF gym, and a 3,150 square foot upper amenities deck.
- d. Level 4 has 44 residential units.
- e. The flat areas of the rooftop will house multiple HVAC units.
- f. **Applicant should provide more details on the intended use and layout of the various amenity spaces, including out door decks and difference between club room and lounge room should be provided. For outdoor decks location of grills or any other plantings/ seating on the deck should be provided.**

iv. Entrances/Accessibility

- a. The commercial space on the ground floor is only accessible from one entrance on the Northfield Avenue side of the building.
- b. The amenity/coworking space is accessible from inside the building and also from two entrances on Northfield Avenue. **Applicant should provide more details on proposed security measures for residents using this co-working space.**
- c. The residential lobby, which connects to the other residential spaces (Zen Garden, leasing office, mail room, elevator) is accessible from an entrance on Northfield Avenue.
- d. The door to Stairwell #2 is on Northfield Avenue next to the main residential entrance. **Applicant should provide more details on who will have access to this exterior door.**
- e. Parking Entrance A is located on the eastern section of Northfield Avenue, and Parking Entrance B is closer to the commercial space on the western section of Northfield Avenue. **Applicant to provide information on commercial parking locations and how patrons will be kept from gaining access to the residential parking areas of the building. Will the commercial spaces be identified?**
- f. The only access points on the Sheridan Avenue side of the building are to the transformer vault, building utilities, and Stairwell #1. There are no entrances on the non-street-facing sides of the building. **Applicant should discuss the safety measures for Stairwell and utility rooms.**

- g. Stairwells #3, 4, and 5 are accessible from inside the parking garage. Stairwell # 4 can be accessed from Northfield Ave. The five stairwells are accessible to the residents on each corner and in the central wing of the building.
 - h. There are two elevators, including one on the southeast corner, which can be accessed through the residential lobby, and one on the southwest corner of the building, which can be accessed through the parking garage.
 - i. **Applicant should discuss the move in/move out arrangements for the tenants of the building.**
 - j. **Additionally, it is noted some of the parking spaces are open in layout as there is no roof over the parking area to the north and the eastern parking spaces. Applicant should discuss how snow removal for this area will be conducted.**
 - k. **It is recommended applicant should consider adding bike racks and/ or storage areas for the tenants of the building.**
- v. Garbage
- a. There is a large trash room in the upper-level garage. **Applicant shall confirm if this is intended for both residential and commercial use.**
 - b. There is one trash room on each residential level. **Applicant shall clarify if these are trash chutes. Additionally details on how regular trash and recycling is getting separated and adequacy of the size of the trash room. We recommend a Refuse and Recycling Plan be provided.**
 - c. **We note the garbage truck turning diagram shows the turnaround from the Parking entrance B, however trash room is located toward the northeast portion of the building. A truck turning access from Parking Entrance A should be provided.**
- vi. Unit Layout
- a. The market-rate studio units are 600 square feet and include an open-concept bedroom-living room-kitchen space and a bathroom.
 - b. The one-bedroom units, both market rate and affordable, vary in size between 800-1,000 square feet and include a bedroom, kitchen, bathroom, living room, and dining room. **There are several triangular-shaped one-bedroom units adjacent to the amenity spaces which include restricted and non-private space for windows. This has the potential to impact the light, air, sound, and quality of life for the residential space. We recommend these unit layout be revised.**
 - c. The two-bedroom units, both market rate and affordable, range from 1,050-1,200 square feet and include two bedrooms, two full bathrooms, a kitchen, living room, and dining room.

- d. The three-bedroom affordable units range from 1,250-1,300 square feet and include three bedrooms, two full bathrooms, a kitchen, living room, and dining room.
 - e. It is unclear whether the units include laundry facilities. **Applicant shall confirm if washer and dryers are included in the units.**
 - f. There are a total of 15 units with balconies on the Sheridan Avenue and Northfield Avenue side, including five (5) two-bedroom units and ten (10) one-bedroom units.
- vii. Exterior Materials
- a. Dark gray and tan Hardie board panels are proposed as the predominant building façade material. Dark gray brick is proposed for the ground level.
 - b. A faux green wall is proposed on the façade along Sheridan Avenue. Details on the quality of this “green wall” should be provided.
 - c. Vertical grills are proposed on the façade on Sheridan Avenue along the parking garage area. **Applicant should provide details on the proposed material and design.**
 - d. Vents are proposed on the exterior of the building as part of the HVAC system. **Applicant to confirm that façade vents are not PTAC units and will be the same color as the proposed façade.**
 - e. According to the West Orange Architectural Survey from September 2014, the proposed project is within the St. Cloud neighborhood. While the site is not a historically designated site, the neighborhood has a historic character. **Applicant should consider choosing exterior façade materials which provide a design that is harmonious with and fits the historic character of the neighborhood. Refer to §25-16.**



Subject Site Aerial
Source: NJ Geo Web

4. Zoning Review:

(a) **Proposed Use:** The subject site is located in the B-2 General Business District, wherein mixed use is a **permitted conditional use per §25-24.2 b 2 m**. The following conditions must be met:

- i. *Permitted uses on ground floor of mixed-use development include the following permitted uses in B-2 Districts: retail store, personal service store or studio, office, business or vocational school. Restaurant, bar, massage, bodywork or somatic therapy establishments, and fitness center/health club. Per the proposed plan, the first floor of the building shall consist of leasing office, Zen garden, residential lobby, amenity/co-working space, commercial space, building storage and parking.*
 - a. ***Applicants should confirm the proposed use for the 1,200 square feet commercial space identified on the floor plan will include one of the permitted uses. Impact on design as well as parking should be discussed. If proposed to be a restaurant and or café, we recommend the exhaust vent be included in the design. It should be noted depending on type of use, the parking calculation may change.***

- b. The floor plans show a direct outdoor entrance to the ground floor co-working space. Additionally, the renderings show exterior doors to the Zen Garden. Applicant should clarify if these spaces are for residents only or if they will also include access for the public. Additional clarity should be provided as to how the space will be secured/monitored.*
- ii. One or more dwelling units shall be permitted on the upper floor(s) above any of the permitted ground floor uses in § 25-24.2b2(m)(1). The proposal includes a total of 105 dwelling units located on upper floors. This complies. The units include two (2) studio units, eighty-two (82) one-bedroom units, sixteen (16) two-bedroom units, and five (5) three-bedroom units.
- iii. Access to upper floor uses shall be provided by means of a separate entrance than provided for ground floor uses. There is a separate residential lobby entrance on Northfield Avenue. This complies.
- iv. Minimum Lot area shall be 5,000 square feet and the minimum street frontage of such lot shall be 50 feet. The lot area is 110,205 square feet and the frontage on Northfield Avenue is approximately 436 feet. This complies.

(b) Bulk Variance:

The following table notes the bulk regulations that are permitted in the zone and the proposed site plans compliance/non-compliance with the same.

B-2 General Business Zone				
	Ordinance Requirements	Existing	Proposed	Status
Min. Lot Area (sq. ft.) – §25 Attachment 3	10,000	110,205	No Change	Conforms
Min. Front Setback (ft.) – §25 Attachment 3	30	Northfield Ave: 0.4	Northfield Ave: 2.4	(V)
Min. Side Front Yard Corner (ft.) – §25 Attachment 3	25	Sheridan Ave: -3.3	Sheridan Ave: 0.4	(V)
Min. Side Setback (ft.) – §25 Attachment 3	10 (one) 20 (both)	237 +/-	28.5	Conforms
Min. Rear Setback (ft.) - §25 Attachment 3	30	110.54	30	Conforms

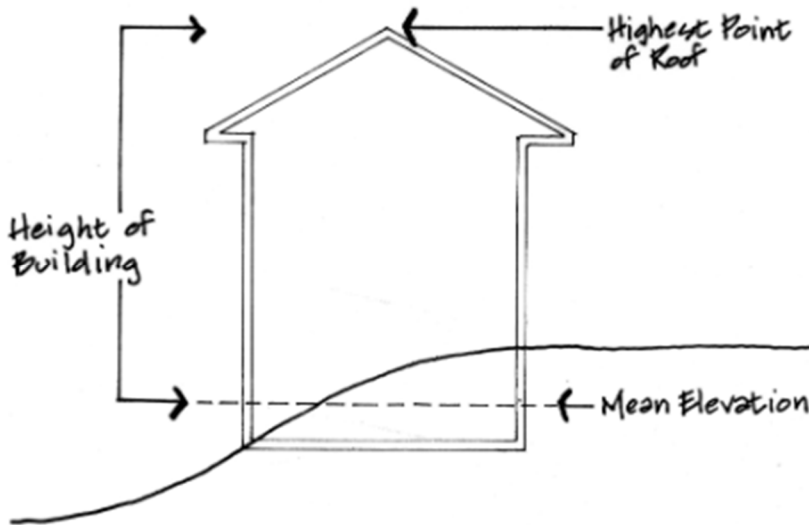
Max. Building Height (§25 Attachment 3)	2 ½ stories and not exceeding 35 ft.	31 ft. / 1.5 stories	38.5 ft*. / 4 stories	(V)
Height Limit Exceptions (§25-24.4)	Roof features shall not exceed 10' above the top of roof	N/A	Applicant to Confirm*	Unknown
Max. Building Cover (§25 Attachment 3)	40%	9.93%	48%	(V)
Max. Impervious Cover (§25 Attachment 3)	60%	68.34%	67.5%	(V)
Min. Lot Frontage (§25-4)	40 ft. or 75% of the required lot width, whichever is greater.	172.07 ft. along Sheridan Avenue; 436.84 ft. along Northfield Avenue	No Change	Conforms
Min. Side Yard Width (Contiguous to Residential Lots) (§25-11.2)	75 ft.	296 ft. and 130 ft. abut residential lots	No Change	Conforms

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

*The building height as measured from the average grade of the roof has been provided; however, the height of roof features has not been provided and compliance with height limits cannot be determined. **Applicant to provide the height of roof features including parapets, stair and elevator bulkheads, and overall height of the building.**

5. Site Plan Review:

- (a) **Building Height:** The proposed building is 4 sty/ 38.5 ft, measured to the highest point of roof. Per the Land Use Ordinance §25-4, building height is depicted per the figure below taken from mean elevation to the highest point of the roof. We recommend a detailed calculation of the height of the building be provided based on this graphic.



Additionally, as stated above, applicant should provide the height of building appurtenances such as parapet, stair bulkhead and other mechanical features to determine they do not exceed 10 feet in height.

(b) Parking and Circulation:

- i. The applicant is proposing a total of 180 parking spaces in an onsite parking garage. This includes thirty (30) electric vehicle (EV) spaces, two (2) of which are ADA accessible EV spaces and twenty three (23) tandem spaces. Aside from the two ADA accessible EV spaces, there are four (4) additional standard ADA accessible parking spaces.
- ii. The parking garage will be in lower and upper parking areas on the ground floor of the proposed building, with the lower level sitting below-grade, but still at street level, due to the moderate slope present on this area of the site. The circulation throughout the parking area includes two-way travel between rows.
- iii. The lower parking area includes twenty-three (23) parking spaces in tandem, equaling a total of forty-six (46) spaces. The applicant indicated in a SPRAB meeting on March 11, 2026 that the tandem spaces will be assigned to tenants of the same unit in order to simplify coordination, although this has not been confirmed in writing. The tandem spaces directly adjacent to the driveway entrance present possible safety and coordination issues for residents using the spaces and others entering the garage. **The applicant should discuss the circulation for the tandem spaces so close to the parking entrance B. The applicant should provide clarity on safety measures being implemented so that there is no pile up near the entrance to the garage.**

- iv. Applicant should provide information regarding how parking will be assigned and how parking arrangements will be enforced. Further clarify the commercial parking spaces and if they will be indicated.
- v. Applicant should discuss how the commercial space patrons shall not have access to residential parking spaces.
- vi. Applicant should provide information on whether guest parking will be provided and how it will be identified as such.
- vii. It is recommended that location of EV spaces be confirmed by the Township of West Orange Fire Department.

Parking and Loading Space Requirements (§25-12)			
	Ordinance Requirements	Existing	Proposed
Minimum Number of Off-Street Parking Spaces (§25-12.2)	Mid-Rise Residential Housing: 1.8 spaces / 1-Bedroom Unit (84) = 151 2 spaces / 2-Bedroom Unit (16) = 32 2.1 spaces / 3-Bedroom Unit (5) = 11 = 194 total off-street spaces required Retail: 1 space / 200 SF (1,200/200) = 6 commercial spaces required 200 spaces – 20 EV bonus* = 180 spaces required	171	180
Required Electric Vehicle Parking Spaces (§25-12.6)	Prepare as Make-Ready parking spaces at least 15% and install EVSE in at least 1/3 of the 15% of the Make-Ready spaces. At least 5% shall be ADA accessible. 194 spaces x 15% = 30 EV spaces 30 EV spaces x 5% = 2 ADA EV spaces	N/A	30 EV spaces 2 ADA EV spaces
Loading Space Dimensions (§25-12.3)	Retail stores under 2,500 square feet are exempt. Proposed commercial Space = 1,200 SF	N/A	Exempt

Parking and Loading Space Requirements (§25-12)			
	Ordinance Requirements	Existing	Proposed
Drive Aisle Width (§25-12.1)	All driveways for two-way traffic shall be a minimum of 24 feet wide	N/A	<u>Entrance A</u> : 25.9' <u>Entrance B</u> : 24'
Distance from Residential District (§25-12.1)	Each entrance or exit from a parking area shall be at least 50' from any residential district	N/A	Driveway within 10' of property line with Lot 1 (V)
Parking Space Size (§25-12.1)	Standard size parking spaces shall have minimum dimensions of 9 feet by 18 feet	N/A	9' X 18' to 19'
Compact Space Size (§ 25-12.1p)	Compact size spaces shall not be less than 8' x 15'	N/A	Two Compact Spaces: 9' x 17'
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	Maximum length 14 spaces
Landscape Requirements for Parking Areas (§25-12.1)	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. 180 parking spaces = 18 trees	N/A	36 trees planted along perimeter of property

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

**A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10% of the total required parking.*

(c) Landscaping and Fencing:

- i. We note that the applicant submitted an application for a tree removal and replacement permit on November 13, 2025. **The Site Plan was updated on January 29, 2026. Applicant shall submit a revised tree removal and replacement application.**
- ii. The Site Plan notes that fifty-five (55) total trees of varying sizes are to be removed. To meet the tree replacement standards, 106 trees are required to be planted. This does not include replacement for trees which do not meet the 4" diameter minimum standard to qualify as a tree. The Applicant is proposing to plant ninety-four (94) trees and contribute to the Tree Fund in lieu of planting the remaining twelve (12) trees. **Applicant to submit approval from Township Forester for this payment in lieu of planting.**
- iii. The majority of replacement trees will be planted in the back of the building in an existing wooded area in the northern and eastern areas of the lot. Six (6) thornless cockspur hawthorn trees are proposed along Sheridan Avenue. A total of 187 shrubs are proposed to line the street-facing facades along Sheridan Avenue and Northfield Avenue.
- iv. Additional improvements will occur throughout the site including repairs to any damaged sidewalk on Sheridan Avenue, new 4' sidewalks on Northfield Avenue, new curbing, new driveway aprons with depressed curbs, pavement repairs on Northfield Avenue and Sheridan Avenue, landscaping, lighting, construction of a concrete block retaining wall and chain link fence between the building and forested, steep-slope area in the back of the site.
- v. The rear yard and side yard abut residential zones, and a 50' wide buffer strip with trees and shrubbery is required between residential and nonresidential districts in the nonresidential zone. The buffer area between the subject property and the residential areas varies, with much of the space not meeting the buffer requirement.
- vi. **Applicant to provide elevations of the rear façade and provide height measurements for the proposed masonry block wall with brick veneer that is enclosing the parking area in the rear yard.**

Landscaping and Screening			
	Ordinance Requirements	Existing	Proposed
Roof Equipment (§25-11.8)	Roof equipment should be located in the center of the roof when possible.	N/A	Rooftop units proposed in center of roof
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	N/A N/A	Parking area is located on ground floor under residential units. Enclosed by a masonry

Landscaping and Screening			
	Ordinance Requirements	Existing	Proposed
	or hedge maintained in good condition as required.		block wall with brick veneer
Residential Buffer (§25-11.3)	Buffer strip with trees and shrubbery is required between residential and nonresidential districts in the nonresidential zone.	N/A	Rear yard and side yard buffers = <50' (V)

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 property, in all districts, provided they are not higher than four feet.	N/A	Proposed 4' high chain link fence in side and rear yard conforms
	In all nonresidential districts, fences or walls not exceeding six feet in height shall be permitted in the side and rear yards	N/A	Retaining wall 6' high max. in side and rear yard conforms

(d) Lighting:

- i. A total of eight (8) different lighting fixtures are proposed for the subject property within the parking garage area. This includes a cluster of ceiling-mounted fixtures at the entrance areas and ceiling-mounted fixtures evenly dispersed throughout the garage. The mounting heights include 10', 15', and 18'. There are also pole-mounted and wall-mounted fixtures throughout the garage at mounting heights of 10' and 15'. **Lighting on the exterior of the building is not depicted on the lighting plan. Applicant to provide.**

Illumination for B-2 District		
	Requirement	Proposed
Min. Illumination at Pedestrian Walkways (§25-14.3)	0.9 footcandles minimum throughout	North Walkway (parking garage) 2.4 FC min.
Min. Illumination at Parking Areas (§25-14.3)	2.0 footcandle minimum throughout	Flat Lower Parking Area minimum 1.0 FC (V)
Min. Illumination at Streets (§25-14.3)	1.2 footcandle minimum throughout	Applicant to provide more details
Max. Illumination at Property Lines	0.5 footcandle	Applicant to provide more details

Max. Height of Wall-Mounted Fixture (§25-14.1)	18 feet	Maximum mounting height 18'
Duration of Illumination (§25-14.1)	Provision shall be made for the reduction in the intensity of illumination to the minimum needed for security purposes when the facility is not in operation.	Plan notes, "For nighttime, dim the entry lights approximately 90% to match FC of garage."

(e) Signage:

- i. Façade signage on the Northfield Avenue side of the building is proposed. This includes 51 SF of backlit lettering over top of 120 SF of green backing. The front wall area exceeds 800 SF, so the standard of 120 SF limit for a sign is applied. **Applicant shall provide details on the sign's projection distance from the building facade.**

Signage (§25-15.3) in B-2 Zone		
Ordinance Requirements	Existing	Proposed
Shall not exceed an area equal to 15% of the front wall area, or 120 square feet, whichever is less.	N/A	120 SF
Shall not project more than one-foot beyond the building line	N/A	Applicant to provide

(f) Steep Slopes (§25-28):

- i. The proposal includes excessive disturbance of the steep slope area in the rear and side yard areas of the property. **The proposal requires two variances related to excessive disturbance of steep slopes** including the following:
 - a. 29% disturbance of a 20-24.99% steep slope area (20% disturbance permitted) **(V)**
 - b. 31% disturbance of a >25% steep slope area (0% disturbance permitted) **(V)**
- ii. It is noted that the total disturbance area is 7,781 SF out of 29,546 SF (or 26%) of the steep slope area (land at greater than 10% slope.)
- iii. Additionally, twenty-two (22) trees, which are over 4" in DBH, are proposed to be removed from this steep slope area. **The removal and replacement of trees on a slope of 10% or greater, where vegetation is presently stable, is not permitted and a variance is required (V).**

6. Statutory Criteria:

Bulk/ "C" Relief

1. Applicant must confirm the building height and conditional use requirements are met. The applicant requires eleven (11) c-variances 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.

cc: Geniece Gary-Adams, Director of Planning and Development
Ryan McNeil, PE, Board Engineer