

May 5, 2026
Via FedEx Overnight & TonicDM
(zoningboard@westorange.org)

West Orange Township Zoning Board
66 Main Street
West Orange, NJ 07052

Attn: Diana Chandler-Zimmermann

**RE: Mavis Tire Supply, LLC
Proposed Automotive Service
& Retail Center
460 Prospect Avenue
Block 105, Lot 64.01
Township of West Orange
Essex County, NJ
DEC# 1956-24-04187
Application No.: ZB-25-07**

Dear Ms. Chandler-Zimmermann,

On behalf of our client, Mavis Tire Supply LLC, enclosed please find the following documents to supplement the formal resubmission to the Township of West Orange Zoning Board towards the issuance of Site Plan Approval for the above reference project:

- Five (5) signed and sealed copies of the Stormwater Management Operation and Maintenance Manual, prepared by our office, dated February 2026, last revised May 2026;
- Five (5) signed and sealed copies of the Stormwater Management, Water Quality and Groundwater Recharge Analysis, prepared by our office, dated July 2025, last revised May 2026; and
- Five (5) signed and sealed copies of the Preliminary and Final Major Site Plan, prepared by our office, dated 07/16/2025, last revised May 2026.

Below please find an itemized response to address the Engineer Review Letter #2, prepared by CME Associates, dated 03/25/2026, and the Planning Review Letter #2, prepared by CME Associates, dated 03/25/2026.

Engineer Review #2, prepared by John J. Hess, PE, PP, of CME Associates, dated March 25, 2026

B. DESIGN COMMENTS

1. *Based on our review, we find that the following items from the Township's Site Plan/Subdivision Checklist must be addressed:*

- a) *Item #14 - Affidavit of ownership.*

Response: A copy of the Affidavit of Ownership was included in the August 20, 2025 submission. An additional copy will be recirculated to the Zoning Board under separate cover by the applicant's attorney.

2. *The Applicant has requested the following waivers in support of this application:*

- a) *From the requirement to provide a minimum illumination level of 2.0 FC for the parking areas.*
 - b) *From the requirement to provide road and paving cross-sections and profiles (Checklist Item #41).*
 - c) *From the requirement to provide proposed street names (Checklist Item #42).*
 - d) *The Applicant proposes to comply with the West Orange COAH Ordinance as a condition of approval.*

Response: Informational; no response required.

3. *The Applicant should address the Board regarding the proposed hours of operation of the Mavis Tire Center and the hours of operation of the proposed site lighting. We recommend that light levels be dimmed/turned off one hour after closing to reduce light pollution.*

Response: Testimony regarding proposed hours of operation of the Mavis Tire Center, and the hours of operation of the proposed site lighting, will be provided during the Zoning Board hearing. The site plan drawings have been revised to add a note stating proposed light fixtures are to be installed with timers to ensure lights are turned off after hours of operation.

4. *The Applicant should address the Board regarding the proposed frequency and anticipated hours for deliveries to the site.*

Response: Testimony regarding proposed frequency and anticipated hours for deliveries to the site will be provided during the Zoning Board hearing.

5. *The Applicant should address the Board regarding the anticipated frequency and anticipated hours for removal of the waste oil at the site. In addition, the plans should be revised to show the location of the proposed waste oil tank.*

Response: Testimony regarding anticipated frequency and anticipated hours for removal of the waste oil at the site will be provided at the Zoning Board hearing. The site plan drawings have been revised to note that the proposed waste oil tank will be located within the proposed building footprint.

6. *The Applicant should address the Board regarding their plans to provide a loading space as required by §25-12.3 of the Township Code.*

Response: Testimony regarding loading will be provided during the Zoning Board hearing.

7. *It states on sheet 5 that Prospect Avenue has a variable ROW width. The plans should be revised to show the existing ROW width and the ROW half-width in front of the property in question. In addition, the Applicant should address the Board regarding whether the Essex County Planning Board will require a ROW dedication along the site frontage. In their February 19, 2026 letter, Messrs. Ritchie and Freud state that the ROW width and any potential dedications will be provided as a condition of approval.*

Response: Our office has coordinated with Essex County to determine that the ROW width and ROW half-width for Prospect Avenue are 108' and 54', respectively. The plans will be revised to depict this information as a condition of final approval. Additionally, our office has received email correspondence from Essex County that a ROW dedication, easement or reservation will not be required as a condition of approval for this project.

8. *It shows on sheet 5 that the Applicant proposes a driveway connection to Blueberry Bend which is a private road. The Applicant must demonstrate that they have the necessary approval from the Owner of Blueberry Bend to permit the proposed driveway connection. In their February 19, 2026 letter, Messrs. Ritchie and Freud state that "The Applicant's property line extends to the centerline of Blueberry Bend. Therefore, any connections to the northern side of Blueberry Bend do not require approval from another party". Our office does not agree with this position. Since Blueberry Bend is a private road, the Applicant must demonstrate they have the right to use Blueberry Bend to access the proposed development. We note that this issue was discussed at the Site Plan Review Advisory Board meeting on November 18, 2025 at which time the Applicant agreed to provide copies of the existing easements to the Board.*

Response: A copy of the Blueberry Bend ownership agreement was previously included in the February 24, 2026 submission. An additional copy will be recirculated to the Zoning Board under separate cover by the applicant's attorney. Testimony regarding the driveway connection to Blueberry Bend will be provided at the Zoning Board hearing.

9. *According to our notes, at the Site Plan Review Advisory Board (SPRAB) meeting on November 18, 2025 the Applicant agreed to provide a privacy fence along the rear property line. Therefore, the plans must be revised to show the privacy fence.*

Response: The site plans propose a 15 foot long, 6' high wooden privacy fence between the proposed trash enclosure and building to provide both noise abatement and a visual buffer from the adjacent use. A significant portion of the existing landscaping between the proposed development and neighboring property to the east will remain, providing additional buffer between the uses. While a privacy fence along the property line has not been proposed on the revised plans so as not to disturb the existing vegetation, should the Board deem this necessary, the Applicant

will coordinate as needed with the Township and neighboring property on this matter.

10. *It shows on sheet 5 that a 10'x10' masonry trash enclosure is proposed at the southeast corner of the building. The Applicant should provide testimony to the Board to demonstrate that the proposed trash enclosure will have adequate capacity to accommodate the trash and recyclables that will be generated at the site.*

Response: Testimony regarding the trash enclosure capacity will be provided during the Zoning Board hearing.

11. *It shows on sheet 5 that the proposed trash enclosure will be located close to the rear property line. We note that the property in question abuts an existing residential neighborhood. The Applicant should address the Board regarding the anticipated frequency and hours of pickup. Our office is concerned with the potential noise impacts on the adjoining residential properties.*

Response: Testimony regarding trash pickup hours and frequency will be provided during the Zoning Board hearing.

12. *Sheet 5 should be revised to show the locations of the proposed detectable warning surfaces.*

Response: Sheet 5 has been revised to show locations of proposed detectable warning surfaces.

13. *It shows on sheet 6 that there is an existing low point on the common property line with lot 2 just north of the existing 'A' inlet. In order to address this issue, it is our recommendation that the elevation of the grate on the existing 'A' inlet be lowered to provide positive drainage to the inlet.*

Response: A yard inlet with a 12" Class V RCP pipe has been added to the north of the existing inlet at a lower grate elevation to reduce the potential for standing water at this location.

14. *It shows on sheet 7 that the Applicant proposes to install a new 6" DIP sewer lateral which will connect to an existing 6" cast iron sewer line. However, condition of the existing 6" cast iron sewer line is not known. As discussed at the November 18, 2025 SPRAB meeting, the existing cast iron sewer lateral should be televised to the point of connection to the existing sewer main to demonstrate that it is in good condition. In addition, sheet 7 should be revised to show the existing sewer main that the existing 6" cast iron sewer line connects to.*

Response: The Applicant is in the process of coordinating having the existing cast iron sewer lateral televised to the point of connection to the existing sewer main, and a summary of findings will be provided as a condition of approval.

15. *The plans should be revised to include the following details:*
- a) Detectable Warning Surface*
 - b) Trash Rack*
 - c) 4' Wide Riprap Swale*

- d) *Striped hatching adjacent to the proposed building*
- e) *Curb Taper*

Response: The site plan drawings have been revised to include the requested construction details.

C. STORMWATER MANAGEMENT COMMENTS

1. *On May 20, 2025, the Township of West Orange adopted Ordinance 2918-25 which amended the Township's Stormwater Control Ordinance (SCO). This Ordinance defines a major development as one which individually or collectively results in:*
 - a. *The disturbance of 0.5 acre of land since February 2, 2004.*
 - b. *The creation of 5,000 square feet or more of "regulated impervious surface" since February 2, 2004.*
 - c. *The creation of 5,000 square feet or more of "regulated motor vehicle surface" since March 2, 2021, or*
 - d. *A combination of b and c above that totals 5,000 square feet or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.*

It shows on sheet 12 that the area of disturbance will be 32,434 sf or 0.74 acres. As a result, this project is classified as a major development and must comply with the requirements in Ordinance 2918-25.

Response: Acknowledged.

2. *The Applicant proposes an underground detention basin and a bioretention basin to mitigate the increase in runoff from the site. The overflow from these basins and the stormwater runoff from the undetained portions of the site will be collected and discharged to an existing 15" pipe which exits the property at the northeast corner of the site.*

Response: Informational; no response required.

3. *The Applicant proposes to have the roof runoff discharge to the underground detention basin. It states in Chapter 11.2 of the New Jersey Stormwater Best Management Practices Manual that an extended detention basin (Non-GI) can only be used to address the stormwater runoff quantity control aspects of the development when a waiver or variance is obtained from N.J.A.C. 7:8-5.3 as it is not considered to be green infrastructure. Therefore, the Applicant requires a waiver from §25-29.4p (green infrastructure standards) of the Ordinance.*

Response: A waiver is being requested for the above-referenced requirement. Testimony regarding the proposed stormwater system will be provided during the Zoning Board hearing.

4. *The stormwater report should be revised to include stability calculations for the stone riprap in the bioretention basin.*

Response: The enclosed Stormwater Report has been revised to include Channel stability calculations for the stone riprap conveying stormwater runoff to the bioretention basin.

5. *The times of concentration shown in the Existing Conditions input Summary Table on page 3 do not match the times of concentration in the hydrograph summary reports. Revise accordingly.*

Response: The enclosed Stormwater Report has been revised to match times of concentration between the existing conditions input summary table and the hydrograph summary reports.

6. *The existing peak flow rates shown in the Existing Conditions Flow Summary Table on page 3 and in the Point of Analysis #1 Table on page 6 of the stormwater report do not match the existing peak flow rate in the hydrograph summary reports. Revise accordingly.*

Response: The enclosed Stormwater Report has been revised to match existing peak flow rates between the existing conditions flow summary table, the point of analysis #1 table, and the hydrograph summary reports.

7. *The following information shown in the Proposed Conditions Input Summary Table on page 4 of the stormwater report does not match the same within the hydrograph summary reports.*

- a. *The time of concentration of PDA-Bioretention Basin (Pervious)*
- b. *The time of concentration of PDA-Bioretention Basin (Impervious)*
- c. *The drainage area of PDA-Uncontrolled (Pervious)*
- d. *The time of concentration of PDA-Uncontrolled (Pervious)*
- e. *The drainage area of PDA-Uncontrolled (Impervious)*
- f. *The time of concentration of PDA-Uncontrolled (Impervious)*

Revise accordingly.

Response: The enclosed Stormwater Report has been revised to match the listed information in the proposed conditions input summary table with that of the hydrograph summary reports.

8. *The proposed peak flow rates shown in the Proposed Conditions Flow Summary Table on page 4 of the stormwater report do not match the Point of Analysis #1 Table on page 6 of the stormwater report nor the proposed peak flow rate in the hydrograph summary reports. Revise accordingly.*

Response: The enclosed Stormwater Report has been revised to match proposed peak flow rates between the proposed conditions flow summary table, the point of analysis #1 table, and the hydrograph summary reports.

9. *Table 5-1 on page 5 of the stormwater report states that the bioretention basin does not have a maximum drain time since underdrains are proposed which is incorrect. The capacity of the underdrain system must be sufficient to allow the basin to drain within 72 hours while still retaining moisture below the surface for uptake by vegetation.*

Response: The enclosed Stormwater Report has been revised to provide basin drain time calculations and note the calculated drain time within Table 5-1 of the stormwater report.

10. *The Point of Analysis #1 Table on page 6 shows that the proposed peak flow rate will be reduced for each storm event. However, it remains for the Applicant to demonstrate that the post-construction runoff hydrographs for the current and projected 2 year, 10 year and 100 year storm events will not exceed, at any point in time, the pre-construction hydrographs for the same storm events.*

Response: The Applicant requests a waiver from §25-29.4.s, to permit a deviation from strict compliance with this requirement. Testimony will be provided at the Zoning Board hearing.

11. *The stormwater collection system calculations in the stormwater report must be revised to consider the stormwater conveyed through the existing 6" CIP upstream of the existing round inlet.*

Response: The pipe sizing calculations have been revised to account for the existing 6" CIP pipe upstream of the round inlet. Our office conservatively assumed the pipe will be flowing full into the proposed stormwater conveyance system. An upstream invert to the building was not identified, therefore, a conservative slope of 5% was utilized which follows the approximate pavement surface grade along the pipe run.

12. *The stormwater report has a section which shows the results of several test pits performed on site. The test pit locations must be shown on the plans. At this time, our office cannot confirm if the required number of test pits were performed or if the minimum separation from the seasonal high water table to proposed basin was met.*

Response: The grading, drainage, and utility plans have been revised to indicate the locations of where the soil test pits and borings were performed on site, per the Infiltration Testing Report prepared by ECS.

13. *The drainage area maps and hydrograph summary reports must be revised to include a separate drainage area within the ROW as sidewalk is now proposed.*

Response: The enclosed Stormwater Report has been revised to include a separate drainage area within the ROW to account for the proposed sidewalk.

14. *The existing and proposed drainage area maps and hydrograph summary reports must be revised to separate the drainage areas between which stormwater enters the underground pipe system and which stormwater sheet flows off site.*

Response: The enclosed Stormwater Report has been revised to separate drainage areas and hydrograph summary reports between underground piping and off-site sheet flow.

15. *The maintenance plan should be revised to include as-built construction plans of the stormwater management measures and copies of pertinent construction documents such as laboratory test results, permits and completion certificates.*

Response: The enclosed Stormwater Management Operation and Maintenance Manual has been revised to include as-built construction plans of the stormwater management measures.

16. *The maintenance plan should be revised to note that the party responsible for maintenance must submit to the Township every May 1st an annual maintenance report including all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development.*

Response: The enclosed Stormwater Management Operation and Maintenance Manual has been revised to note the Township submittal requirement of an annual maintenance report, by the party responsible for maintenance.

17. *The maintenance plan must be revised to include the language from §25-29.13 (Stormwater License and Inspection Requirements).*

Response: The enclosed Stormwater Management Operation and Maintenance Manual has been revised to include the requested language from the Township Code section §25-29.13.

18. *As stipulated in §25-29.12b7(d), the party responsible for maintenance of the site's stormwater system must post a two-year maintenance guarantee in accordance with N.J.S.A. 49:55D-53.*

Response: Acknowledged.

19. *The stormwater management operation and maintenance manual and any future revisions must be recorded upon the deed of record for the property. Prior to recording, the form of the deed must be approved by the Board Attorney and our office.*

Response: Acknowledged.

20. *There is a discrepancy between sheet 6 and the 'Underground Basin Outlet Control Structure' Detail on sheet 16 regarding the rim elevation. Revise plans accordingly.*

Response: The site plan drawings have been revised to eliminate discrepancy on rim elevation between plans and the "Underground Basin Outlet Control Structure Detail".

21. *There is a discrepancy between sheet 7 and the 'Outlet Control Structure #2 Detail' on sheet 15 regarding the invert of the 6" pipe. Revise accordingly.*

Response: The site plan drawings have been revised to eliminate discrepancy on the 6" pipe invert between plans and the "Outlet Control Structure #2 Detail".

22. *The Drainage & Utility Plan (sheet 7) shows an existing manhole at the southeast corner of the site which could not be opened. The plans must be revised to clarify the purpose of this manhole and to show any associated piping. In their February 19, 2026 letter, Messrs. Ritchie and Freud state that they are working with project surveyor to identify the purpose of this manhole, and this information will be provided as a condition of approval.*

Response: The project surveyor is scheduled to revisit the site to attempt to open the existing manhole and identify its purpose and any associated piping on May 5, 2026. A report to summarize these findings will be provided as a condition of approval.

23. *Sheet 7 shows a proposed storm cleanout within the bioretention basin at elevation 619.39. This will result in the separation between the underdrain and the sand layer being less than the minimum three inches. Revise to ensure the minimum separation is met.*

Response: The site plan drawings have been revised to ensure a minimum separation of 3 inches is held between the proposed underdrain and sand layer.

24. *The 'Doghouse B Inlet Detail' on sheet 14 and 'Type B Inlet' on sheet 15 should be revised to include a N-Eco Curb Piece.*

Response: Note #4 within the "Type B Inlet Detail" includes the requested information regarding the N-Eco Curb Piece. The site plan drawings have been revised to include a similar note on the "Doghouse B Inlet" Detail.

25. *The 'Outlet Control Structure #2 Detail' on sheet 15 must be revised to provide a trash rack on the 0.6' weir.*

Response: The site plan drawings have been revised to provide a trash rack on the 0.6' weir in the "Outlet Control Structure #2 Detail".

26. *The 'Outlet Control Structure #2 Detail' on sheet 15 shows a 2.5" PVC pipe in the structure noting "Stopcock gate to be closed for normal operations". The Applicant must clarify the purpose of this pipe.*

Response: The 2.5" PVC pipe with stopcock gate is proposed at the bottom of the outlet structure and near the basin bottom elevation to allow the owner to drain the basin in the event infiltration failure occurs. The valve is to be closed during normal operations to maintain consistency with the design intent.

27. *There is a discrepancy between the sand layer callout and Note #2 on the 'Bioretention System Detail' on sheet 15 regarding the required thickness of the sand layer. This discrepancy must be resolved.*

Response: The site plan drawings have been revised to eliminate the discrepancy of the sand layer thickness on the "Bioretention System Detail".

28. *The 'Bioretention System Detail' on sheet 15 includes a callout for a 6" gravel layer. However, the detail shows 3" of stone under the underdrain pipe and 6" of stone above the underdrain pipe. Therefore, the thickness of the stone must be 6" plus the O.D. of the underdrain pipe. This discrepancy must be revised.*

Response: The site plan drawings have been revised to eliminate the discrepancy of the stone thickness in the "Bioretention System Detail".

29. *The 'Bioretention System Detail' on sheet 15 should be revised to note the size and type of underdrain pipe that is proposed.*

Response: The site plan drawings have been revised to note pipe size and material on the "Bioretention System Detail".

30. *The 'Bioretention System Detail' on sheet 15 should be revised to note that the gravel layer must 0.5 inch to 1.5 inch clean, broken stone or pea gravel.*

Response: The site plan drawings have been revised to note the gravel layer must be 0.5 inch to 1.5 inch clean, broken stone or pea gravel on the "Bioretention System Detail".

31. *The 'Bioretention System Detail' on sheet 15 must be revised to include a note which states "To ensure proper system operation, the permeability rate of the gravel layer must be at least twice the design permeability rate of the sand layer".*

Response: The site plan drawings have been revised to include the above referenced note on the "Bioretention System Detail".

32. *The 'Bioretention System Detail' on sheet 15 should be revised to specify the minimum permeability rate required for the soil planting bed and the sand layer.*

Response: The site plan drawings have been revised to specify the minimum permeability rate required for the soil planting bed and the sand layer on the "Bioretention System Detail".

33. *The 'Bioretention System Detail' on sheet 15 should be revised to note the elevation of the bottom of the gravel layer.*

Response: The site plan drawings have been revised to note the elevation of the bottom of the gravel layer on the "Bioretention System Detail".

34. *The 'Bioretention System Detail' on sheet 15 should be revised to provide specifications for the soil planting bed which complies with Chapter 9.7 of NJ BMP manual.*

Response: The site plan drawings have been revised to include specifications for the soil planting bed complying with Chapter 9.7 of the NJ BMP manual on the "Bioretention System Detail".

35. *The 'Bioretention System Detail' on sheet 15 should be revised to provide a note which states that "The soil bed material must be placed in lifts not to exceed 6 inches. Additional materials may be necessary to account for settling over time."*

Response: The site plan drawings have been revised to include the above referenced note on the "Bioretention System Detail".

36. *The 'Bioretention System Detail' on sheet 15 should be revised to include a note which states that "The minimum density of vegetation within the system is 85%."*

Response: The site plan drawings have been revised to include the above referenced note on the "Bioretention System Detail".

37. *The 'Underground Basin Outlet Control Structure' Detail on sheet 16 should be revised to show the proposed height of the 4' weir and the vertical distance from the top of slab (elev. 617.75) to the bottom of the 8" reinforced concrete lid.*

Response: The site plan drawings have been revised to show the proposed height of the 4' weir as well as the vertical distance from the top of the slab to the bottom of the 8" reinforced concrete lid on the "Underground Basin Outlet Control Structure Detail".

38. *The 'Underground Basin Outlet Control Structure' Detail on sheet 16 shows that the invert of the 48" pipe will be at elevation 617.75 whereas the '48" HDPE Schematic Underground Basin Detail' on the same sheet shows the bottom of basin elevation (6" minimum below the 48" pipe to also be at 617.75. This discrepancy must be resolved.*

Response: The site plan drawings have been revised to eliminate the elevation discrepancies on the "Underground Basin Outlet Control Structure Detail" and the "48" HDPE Schematic Underground Basin Detail".

D. LANDSCAPING COMMENTS

1. *Due to soil volume being a limiting factor for a tree, provide one (1) CCR (Redbud) in lieu of the middle QC (Scarlet Oak) within a grouping of 3 QC. Also, provide an oak in the white oak family due to bacterial leaf scorch (BLS). To maintain the same quantity of shade trees, move one (1) oak to the northeast corner of the site.*

Response: The site plan drawings have been revised to replace 1 QC (Scarlet Oak) with 1 CCR (Redbud) within a grouping of 3 QC.

2. *Revise the plans to provide CCR (Redbud) in lieu of proposed ASL (Serviceberry) to avoid providing the two (2) hosts required for cedar apple rust (Juniperus species).*

Response: The site plan drawings have been revised to provide 1 CCR (Redbud) in lieu of 1 proposed ASL (Serviceberry), as requested.

3. *To reduce damage to the existing Norway Spruce near Prospect Avenue, remove the section of sidewalk and shift the proposed row of shrubs closer to the parking stall. This will reduce damage to the tree as well as reduce the need to limb the tree to seven (7) feet above final grade.*

Response: The site plan drawings have been revised to remove the section of sidewalk near the existing Norway Spruce near Prospect Avenue, as well as shifting the proposed row of shrubs closer to the parking stall, as requested.

4. *Revise the plans to include the following note to indicate: "If existing trees within the twenty (20) foot buffer easement should fail due to construction damage, additional plant materials may be required at the discretion of the Township Engineer."*

Response: The site plan drawings have been revised to include a note stating, "If existing trees within the twenty (20) foot buffer easement should fail due to construction damage, additional plant materials may be required at the discretion of the Township Engineer".

E. LIGHTING COMMENTS

1. *Review and revise the plans to indicate proposed timers and hours of operation. Our office recommends light levels be reduced or turned off after hours of operation to reduce light pollution.*

Response: The site plan drawings have been revised to include a note on the lighting plan indicating timers and hours of operation, as requested.

2. *Revise the plans to provide the catalog cuts and ordering information for the proposed light pole for further review.*

Response: The site plan drawings have been revised to include catalog cuts and ordering information for the proposed light pole.

The Applicant is hereby advised that any revised plans or other documents submitted to the Board should be accompanied by a cover letter which addresses each of the comments in this review letter and also details any other changes that have been made to the plans as these may not be readily apparent.

Response: Acknowledged.

Planning Review #2, prepared by Christopher N. Dochney, PP, ACIP of CME Associates, dated March 25, 2026

3. Zoning Compliance

The property is located within the B-2 Business district of the Township.

Use Requirements

The B-2 district permits retail services, personal service businesses, offices, business schools, restaurants, bars, and fitness centers as principal uses. Motor vehicle fueling stations are permitted as conditional uses.

A motor vehicle service station is not a permitted principal use or conditionally permitted use in the district. A d-1 use variance will be required.

Response: Informational; no response required.

Bulk Requirements

All development in the B-2 district is subject to the following bulk regulations:

B-2 Zone Bulk Requirements				
	Required / Permitted	Existing	Proposed	Variance
Min Lot Area	10,000 sf	32,118 sf (0.74 acres)	No Change	No
Min Front Yard (Prospect)	30 feet	91.8 feet	43.0 feet	No
Min Front Yard (Blueberry Bend)	25 feet	?	93.2 feet	No
Min Rear Yard	30 feet	30.8 feet	30 feet	No
Min Side Yard	10 feet	42.8 feet	19.6 feet	No
Min Combined Side Yard Setback	20 feet	112.3 feet	82.4 feet	No
Max Building Coverage	40%	10.4%	20.6%	No
Max Impervious Coverage	60%	59.9%	63.3%	Yes

B-2 Zone Bulk Requirements				
	Required / Permitted	Existing	Proposed	Variance
Max Building Height	2.5 stories / 35 feet	2 stories	1 story (22.5 feet)	No
Min Drive Aisle Setback	5 feet	0 feet	0 feet	ENC
Min Buffer Width	20 feet to residential	20 feet	20 feet	No
ENC = Existing Non-Conformity				

Response: Informational; no response required.

Parking & Loading

Off-street parking is required for motor vehicle service stations at a minimum of 5 spaces, plus 2 spaces for each service bay, and 1 space for each 200 square feet of retail space.

- 5 spaces + 2 spaces per bay (2 x 7 bays) = 14 spaces + 1 space per 200 s.f. of retail space (1,142 s.f. / 200) = 6 spaces
- 5 + 14 + 6 = 25 parking spaces required.
- 22 parking spaces, including 2 ADA spaces, are proposed to be provided on site.
- With less than 25 parking spaces, no EV charging station spaces are required, and none are proposed.

Response: Informational; no response required.

Tree Planting & Removal

The tree removal plan identifies twenty-one (21) existing viable trees on the site, requiring 30% or seven (7) trees to be preserved. The applicant proposes preserving seventeen (17) trees on the site, and removing four (4) trees. Seventeen new trees are proposed.

Response: Informational; no response required.

Signage

One façade sign per business is permitted, with a maximum sign area of 120 square feet, and one monument sign is permitted with a maximum height of 8 feet, and a maximum area of 50 square feet. The minimum front yard setback for monument signs is 10 feet.

- 1 façade sign is proposed, with a total area of 100 square feet.
- 1 monument sign is proposed to be setback 14.5 feet, and with a height of 8 feet and an area of 48.5 square feet.

Response: Informational; no response required.

4. Variances & Waivers Required

It appears that the following conditions are not in compliance with the Township's land development regulations and may require variance or design waiver relief from the Board to permit the project as proposed:

Variances:

- a. *§25-7.1 Attachment 2 Permitted Uses – The proposed use as a Motor Vehicle Service Station is not a permitted principal use.*

Response: Informational; variance relief has been requested. Testimony will be provided during the Zoning Board hearing.

- b. *§25-7.1 Attachment 3 Lot Coverage – The proposed lot coverage is 63.3% 64.0% where a maximum of 60% is permitted.*

Response: Informational; variance relief has been requested. Testimony will be provided during the Zoning Board hearing.

- ~~c. *§ 25-8.1.a Setback of Accessory Structures – Accessory structures are required to be at least fifteen feet from the principal building. The trash/recycling enclosure is located within 15 feet of the principal building. The applicant has moved the trash enclosure to be 15 feet away from the principal building.*~~

Response: Informational; no response required.

- d. *§25-12.1.I Parking in Front Yard – Parking is not permitted in a front yard, where parking is proposed in the front yard.*

Response: Informational; variance relief has been requested. Testimony will be provided during the Zoning Board hearing.

- e. *§25-12.2.b(1) Parking – The minimum required number of parking spaces is 25, where 22 are proposed.*

Response: Informational; variance relief has been requested. Testimony will be provided during the Zoning Board hearing.

- f. *§25-12.3.a.2 Loading – At least one off-street loading space is required, where no designated loading space is provided.*

Response: Informational; variance relief has been requested. Testimony will be provided during the Zoning Board hearing.

- g. *§ 25-12.4.a.2 Access Drives Off-Street Parking Area – Access drives may be located within a side yard setback, but are not permitted to be located within five feet of a side lot line, whereas an access drive onto Prospect Avenue is abuts the southern side lot line.*

Response: Informational; variance relief has been requested. Testimony will be provided during the Zoning Board hearing.

- h. *§25-14.3 Lighting – A minimum of 2.0 footcandles is required to be maintained in parking areas, where lighting illumination levels will be as low as 1.0 footcandles in portions of the parking lot.*

Response: Informational; variance relief has been requested. Testimony will be provided during the Zoning Board hearing.

- i. *§25-14.3 Lighting – A maximum of 0.5 footcandles is required to be maintained along non-residential property lines, whereas lighting illumination levels are proposed to be as high as 4.8 footcandles.*

Response: Informational; variance relief has been requested. Testimony will be provided during the Zoning Board hearing.

- j. ~~*§25-15.3.C.2(D) Façade and monument signs are required to be located in the front yard, whereas the façade and monument signs are located in the side yard of the building. The applicant has moved the façade and monument signs to be located in the front yard of the building.*~~

Response: Informational; no response required.

5. Master Plan Considerations

The Township's Master Plan was last reexamined in December of 2019. The following goals, objectives, and recommendations of the Master Plan may be relevant to this application:

- Encourage economic development and redevelopment that is compatible with the suburban character of the Township.*
- Maintain the existing scale of the community.*
- The master plan should continue to support economic development, including through maintenance and revitalization of commercial and office areas.*
- The master plan recommends that the Executive Drive and Essex Green area allow for a more broad mix of uses.*

Response: Acknowledged.

6. *Planning Comments*

- a. *The applicant should discuss the proposed project, addressing the general scale and scope of improvements proposed for the site. Testimony should be provided addressing the anticipated operations of the auto service use on the site, including the scope of repairs that will or will not be performed, storage of vehicles, storage and removal of tires, hours of operation, and number of employees on the site.*

Response: Testimony regarding scale and scope of improvements proposed for the site will be provided during the Zoning Board hearing.

- b. *The application as proposed will require a D-1 use variance for non-compliance with the permitted principal use requirements for uses in the B-2 business district. With any 'd' variance, the applicant has an enhanced burden of proof to demonstrate that both the positive and negative criteria can be satisfied before the Board can grant a 'd' variance:*
- 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 an economic inutility in using the property for one of the permitted uses in the district; that the proposed use is considered "inherently beneficial"; or 3) that the proposed use would promote the general welfare by advancing one of the purposes of zoning, and that the site is particularly suited for the use.*
- ii. *Negative Criteria: The applicant must show that the proposed use will not have a substantial detrimental impact on the public good, and will not substantially impair the intent and purpose of the zone plan.*

Response: Acknowledged; testimony will be provided during the Zoning Board hearing.

- c. *The applicant should provide testimony addressing how this particular site was identified for this business, whether there is a need for this type of use in the area, and how the site is suited for use as a tire center / auto service station use.*

Response: Testimony regarding how this site was identified for this business, the need for this type of use in the area, and how the site is suited for the proposed use will be provided during the Zoning Board hearing.

- d. *We note that an automobile service station is listed as a permitted principal use in the I Industrial district of the Township. The applicant should address whether or not any property in the I districts of the Township were pursued. We note that it appears that the Industrial district is limited in size within the Township to three areas along the border with the City of Orange.*

Response: Testimony regarding whether properties in the I districts of the Township were pursued will be provided during the Zoning Board hearing.

- e. *The application as proposed will also require several bulk or 'c' variances. The applicant must satisfy both the positive and negative criteria for each of these variances as well:*

- i. *Positive Criteria: The applicant must show that either there is an undue hardship (practical difficulty) in conforming to the code (c-1 hardship), or that the proposed conditions represent a preferable alternative to conforming to the standards of the code, that the purposes of zoning will be advanced, and that the benefits of the deviation would outweigh any detrimental impacts (c-2 flexible).*
- 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: Acknowledged; testimony regarding satisfying positive and negative criteria for requested variances will be provided during the Zoning Board hearing.

- f. *In the case of any d-1 use variance, the bulk standards that have been adopted for the particular district, in this case those of the B-2 district, were not intended for uses other than those that are considered permitted uses. The standards of the B-2 district are not intended to apply to an auto service station use. In these cases, bulk variances related to specific requirements of the B-2 district can be considered subsumed within the Board's consideration of the d-1 use variance. The Zoning Board can at its reasonable discretion determine appropriate bulk standards such as building setbacks and buffering requirements specific to this use on this site.*

Response: Acknowledged.

- g. *The applicant should address the anticipated demand for off-street parking on the site during peak hours.*

Response: Testimony regarding off-street parking demand during peak hours will be provided during the Zoning Board hearing.

- ~~h. *Township code requires that parking lots for commercial uses in the B-2 district be located in the side or rear yards, rather than the front yard. The applicant should discuss the potential to shift the location of the building and parking so that the parking is to the side and rear. Is there a possibility of reorganizing the site and building layout so that the 8 service bays are all on the south side in a deeper more narrow building.*~~

- i. *We note that the applicant has shifted the majority of the parking spaces from the front yard to the side yard area. Two parking spaces are technically still within the front yard area though. A variance is still required, but this change significantly improves the proposal's conformance with the Township's code.*

Response: Acknowledged. The variance will be formally requested from the Zoning Board and testimony regarding same will be provided at the Zoning Board hearing.

- j. *The applicant should consider the addition of EV parking spaces to support electric vehicle charging and this would also help bring the site closer to technical compliance with the required minimum number of parking spaces through credits for the EV space(s).*

Response: Testimony to be provided at the Zoning Board hearing.

~~k. We note that it appears that each of the neighboring commercial uses comply with this requirement, with the buildings located closer to Prospect Avenue and parking in the rear.~~

l. Will there be any differentiation between employee parking and customer parking? The applicant should clarify.

Response: Testimony regarding differentiation between employee parking and customer parking will be provided during the Zoning Board hearing. There is no differentiation between employee parking and customer parking at this time.

m. The applicant has requested a variance for having the drive aisle setback as 0 feet from a side yard where 5 feet is required. We note that the property's southern side lot line is actually the centerline of Blueberry Bend, a private road, making any drive aisle providing access to the roadway technically in violation of the code.

Response: Acknowledged.

~~n. It does not appear that any sidewalk is proposed for the Prospect Avenue frontage of the site. While this is an existing condition, we note that there is sidewalk along the frontage immediately north of this site, and to the south as well. This property and the immediate neighbor to the south represent an existing gap in the sidewalk network that could be partially addressed through this development. The applicant has updated the design to provide concrete sidewalks along the site frontage within the right of way.~~

Response: Informational; no response required.

~~o. The applicant should address the location of the trash/recycling enclosure and whether the cement walls will abut the principal building. The applicant has relocated the trash enclosure to be 15' away from the principal building.~~

Response: Informational; no response required.

p. The applicant should provide testimony regarding the lack of loading spaces. The applicant should also provide insight into the process for deliveries and pick up of goods, and the anticipated frequency of such deliveries.

Response: Testimony to provide insight into the process for deliveries and pick-up of goods will be provided during the Zoning Board hearing. Loading is to occur within the service bays.

q. The applicant should address tire storage and removal. What happens with used tires removed from vehicles, and how are they stored and removed from the site?

Response: Testimony regarding tire storage and removal will be provided during the Zoning Board hearing.

- r. *No roof plan has been provided. The applicant should confirm that no mechanical equipment on the roof would be visible from the public ROW, or from residential properties to the rear of the site. Any rooftop equipment is required to be screened.*

Response: Testimony regarding rooftop mechanical equipment will be provided during the Zoning Board hearing.

- s. ~~*A chain link fence exists in between the site and the residences to the east, which appears to be on the residential properties. The applicant may wish to consider the installation of a solid privacy fence in lieu of the chain link fence to serve as a visual barrier between the uses. The applicant has now proposed to save the existing trees and proposed plantings along the eastern property line. A solid privacy fence in addition to these efforts may be still be warranted.*~~

Response: The site plan drawings have been revised to include a solid privacy fence in the southeast corner side of the property.

- t. *The applicant should address anticipated noise impacts from the service bays, in particular in regards to the impacts on the adjacent residential uses to the east.*

Response: Testimony regarding noise impacts from service bays will be provided during the Zoning Board hearing.

- u. *The applicant should address any green design measures being taken to enhance the sustainability of the project.*

Response: Testimony regarding green design measures will be provided during the Zoning Board hearing.

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

Response: Acknowledged.

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

Response: Acknowledged; testimony regarding the status of outside agency approvals will be provided during the Zoning Board hearing.

We kindly request the enclosed information be reviewed at your earliest convenience.

Should you have any questions, comments or require additional information, please do not hesitate to contact our office.

Sincerely,

Dynamic Engineering Consultants, PC

A handwritten signature in black ink, appearing to read 'RR Ritchie', with a long horizontal flourish extending to the right.

Rodman R. Ritchie, PE, PP
Branch Manager/Principal

A handwritten signature in black ink, appearing to read 'A Haupin', with a long horizontal flourish extending to the right.

Andrew Haupin, PE
Project Manager