

TO: Township of West Orange Planning Board

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

RE: PB Application 25-12
Planning Review # 2
262-270 Main Street
Block 114, Lots 50 and 55
Preliminary & Final Major Site Plan Approval with Bulk "C" Variances Approval

DATE: June 26, 2026

1. Materials Reviewed

Since our previous Planning Review dated May 19, 2026, we have reviewed the following materials:

- Fifteen (15) sheets of 262-270 Main Street Civil Drawings prepared by Jordan Cecinini of Hudson Engineering LLC, dated May 15, 2025, revised through May 26, 2026;
- Twenty (20) sheets of 262-270 Main Street Architectural Drawings prepared by Jorge Mastropietro Architects, dated revised through May 26, 2026;
- Two hundred and forty-three (243) pages of Engineering Stormwater Narrative prepared by Hudson Engineering, dated May 26, 2026.

The following materials were previously reviewed:

- Six (6) pages of 262-270 Main Street Township of West Orange Planning Board or Zoning Board of Adjustment Application Package dated September 12, 2025.
- Two (2) pages of W-9 Request for Taxpayer Identification Number and Certification, prepared by 262 Main Street Realty LLC, undated.
- Four (4) pages of 262-270 Main Street Proposal and Reasons for Relief Variance Requirement, prepared by Amanda C. Wolfe, Esq., undated
- One (1) page of 262-270 Main Street Waiver Request prepared by Jordan Cecinini, PE of Hudson Engineering, LLC, dated September 17, 2025.
- Six (6) pages of Township of West Orange Site Plan/Subdivision Checklist for 262-270 Main Street, undated.
- Six (6) pages of Buffer Report and List of Properties within 200' prepared by the Township of West Orange Office of the Assessor, dated April 21, 2025.

- One (1) page of List of Public Utilities
- Two (2) pages of Verification of Taxes & Sewer Charges Paid for 270 Main Street and 262 Main Street, prepared by the Township of West Orange Office of the Tax Collector, dated April 22, 2025.
- Two (2) pages of Township of West Orange Application for Tree Removal and Replacement Permit prepared by Amanda C. Wolfe, dated November 19, 2025.
- Seventeen (17) pages of Township of West Orange Tree Removal and Replacement Permit Application prepared by Amanda C. Wolfe, dated December 4, 2025.
- One (1) page of Sustainability Checklist Form, undated.
- Eight (8) pages of Block 114, Lot 50 Deed, dated February 19, 2025.
- Eight (8) pages of 262 Main Street, Block 114, Lot 55 Deed prepared by Sara Hansen Wilson, Esq., dated March 12, 2025.
- Three (3) pages of Adopted Resolution PB-12-28T prepared by the Township of West Orange Technical Review Committee, dated December 6, 2012.
- Nine (9) pages of Professional Planner's Report in Support of 262 Main Street Realty, LLC and 270 Main Street Realty, LLC, prepared by Kate Keller, AICP, PP and Nikhil Ramachandran, AICP, PP, dated October 2025.
- Ninety-six (96) pages of Traffic Impact Assessment for Proposed Grocer 262-270 Main Street prepared by Dolan & Dean Consulting Engineers, LLC, dated March 11, 2026.
- Thirteen (13) sheets of 262-270 Main Street Civil Drawings prepared by Jordan Cecinini of Hudson Engineering LLC, dated May 15, 2025, revised through February 26, 2026.
- Eighteen (18) sheets of 262-270 Main Street Architectural Drawings prepared by Jorge Mastropietro Architects, dated March 9, 2026.
- One (1) page of Copy of Application and Escrow Fees prepared by Yusef Siad, dated September 11, 2025.
- Twenty-two (22) pages of Geotechnical Engineering Investigation Report prepared by Jordan Cecinini, PE, dated August 19, 2025.

2. Site Description *(This is reiterated from our previous review dated 5-19-2026)*

The subject property includes two lots identified as Block 114 Lots 50 and 55 in the Township tax records. The site is located on Main Street, at 260-270 Main Street. The two lots combined create an irregularly shaped corner lot and occupy almost the whole block between Erwin Place and Prospect Place, with street frontage on all three sides. The site has approximately 210 feet of frontage along Main Street, 162.5 ft. of frontage on Erwin Place and approximately 20 feet on Prospect Place. Overall, the property measures approximately 0.7 acres (30,218 SF) in area.

The site is currently developed and occupied by two separate buildings, a vacant former Rite-Aid store in a single-story brick commercial building with an asphalt parking lot, and a diner in a single-story building with a separate asphalt parking lot. The applicant is proposing to demolish these structures and associated improvements to construct a grocery store with 44 off-street parking spaces in an onsite surface parking lot.

The subject property is in the B-1 Retail Business district of the Township, which is a narrow zone that follows the commercial corridor along Harrison Avenue, Main Street, and Washington Street. Within that zone, it sits within the Central Business District and is directly adjacent to the Downtown Redevelopment Area. These commercial areas include mainly retail establishments, institutional uses, restaurants, higher density residential and mixed-use properties, and other commercial businesses. Conversely, the R-T Two-Family Residential sits to the east and west of the property, and single-family homes directly about the subject property on the western side.

Recently, the Planning Board approved project PB24-14 located at 172-174 Main Street, less than half a mile south of the property, which is proposing a mixed-use building with office space on the ground floor and seven (7) residential units on the upper floors.

3. Proposed Project Review:

- **During the last public hearing June 3, 2026, revised plans (dated 5-26-2026) were submitted as exhibits and then later submitted as a formal revised submittal. Upon our review, it is noted that there are not major changes to the plans, but the minor changes include the following:**
 - **6' vinyl fence between loading space and neighbor in Lot 58**
 - **8' metal gate at loading space entrance**
 - **Firefighting system connection (label indicated "150ft near hydrant")**
 - **Sheet A0.08 was added and includes the site and loading area traffic patterns**
 - **42" railing at loading dock stairs and from employee parking area**
 - **Added fence details to arch plans**
 - **Curb cut openings**
- **Further, two new variances were created for non-compliant fencing adjacent to the residential property on Lot 58. See Walls & Fencing section below.**
- **For the most part, our memorandum/review remains the same with changes and updated questions noted in bold, italicized, and underlined text.**

- i. The Applicant is seeking a preliminary and final major site plan approval with twelve (12) "c" variances, two (2) waivers, and tree removal and replacement approval to construct a two-story grocery store of 18,078 square feet in area. This area includes, 13,934 square feet of ground floor to be used for sales and 4,144 square feet on the second floor to be used for storage.

- ii. The Applicant is proposing to demolish the existing buildings and regrade the parking area.
- iii. The proposal includes 44 on-site parking spaces including four (4) EV spaces, and two (2) parking spaces off of Prospect Place.
- iv. Floor Plans:
 - a. The storage area on the second floor encompasses less than a third of the building footprint in a J-shape configuration.
 - b. Employee bicycle parking is located on the second floor and accessed via an elevator with outdoor access from Erwin Place. The trash storage and cardboard compactor are located in a separate room on the second floor, and a corridor connects the trash room to the loading dock area. The remaining space is open to the first floor below.
 - a. **Applicant testified during June 3, 2026 public hearing that employee locker rooms and break rooms shall be located on the second mezzanine floor. Revised plans should depict the layout.**
 - c. The roof includes a 49'-2" x 20'-6" mechanical area enclosed by an 8' high metal fence. The remainder of the roof space includes skylights and room for solar panels. A 42" high metal railing encloses the equipment on the roof on the parking lot, Main Street, and Erwin Place sides.
- v. Refuse and Recycling
 - a. A trash storage room is proposed in second floor storage area. A note on the site plan indicates that the owner will be responsible for scheduling the pickup and disposal of refuse, and trash will be removed via the loading dock.
 - a. **During the June 3, 2026 meeting, the applicant testified that a private hauler shall be contracted for collection of trash. The applicant also agreed to comply with the timing of collection so that it will not occur between the hours of 9:00pm and 6:30am, per section § 4-4.2e. Compliance with this ordinance should be noted on the final plans.**
 - b. **We also note in the revised plan that a 6-foot fence is proposed between loading dock and the adjacent residential property for screening. Proximity of the loading dock to the adjacent residential property is still of concern.**
 - c. **The truck turning diagram, provided in the updated plans dated 5-26-2026, indicates possible damage to the proposed street tree on Erwin Place due to a tight turning area for large vehicles and trash trucks. Applicant to consider revising the location of the tree or providing alternative protections to prevent damage.**
- vi. Entrances/Accessibility

- a. The main building entrance/exit faces the parking area and is adjacent to the sidewalk on Main Street, providing access to both pedestrians and people travelling by car.
- b. There is an emergency exit on the Erwin Place side of the building at the western corner of the property next to the loading space.
- c. An enclosed stairwell in the western corner of the building and a service elevator in the center of the building on the Erwin Place side provide access to the second-floor storage area. Access to the service elevator is also available from the outside of the building.
 - a. **Applicant testified that the elevator shall only be used by the employees to gain access to second floor and shall be accessed via FOB key. This should be noted on the final plans. Additionally, Applicant should provide information regarding if this elevator will be used for loading and unloading from the street and how security during that is to be managed.**

vii. **Exterior Materials:**

- a. The exterior of the building provides a contemporary style with a mix of metal design elements. The front of the building on Main Street includes a dark gray aluminum and glass storefront, which extends up to the second floor.
- b. On the Main Street, Erwin Street, and parking lot sides of the building, angled corrugated metal panels cover the upper sections of the facade, and mirror-finished and photo-finished aluminum panels cover the lower sections of the facade.
- c. Several of the materials proposed fall under the “Inappropriate Materials” as per § 25-16.12 of the Façade Design Standards, including corrugated metal and the mirror-finished aluminum panels.
 - a. **During the June 3, 2026 Planning Board Hearing, it was noted that a waiver is being sought for this standard. We recommend that a list of all the proposed materials which are on the unauthorized list be provided.**



Subject Site Aerial
Source: NJ Geo Web

4. Zoning Review

i. **Proposed Use:**

- a. The subject property is in the B-1 Retail Business district where retail stores are a permitted principal use and accessory parking is a permitted accessory use.
- b. ***Applicant shall provide a statement of operations including number of employees, hours of operations, shift timings, number of deliveries and other such operational details. This is recommended to be provided in a written format.***
- c. ***Supplemental provisions for all districts (§ 25-8.1b):*** Off-street parking abutting a residential district requires a minimum distance of 10 feet from the property line. The proposal includes off-street parking, which directly abuts the property line of a residential district. ***A variance is required (V).***

ii. **Corner Lot:**

- a. As per § 25-4b of the Land Use Regulations, since the subject property is a corner lot and access to the main entrance is on Main Street, the Main Street frontage is considered the front yard, the Erwin Street frontage is the side front yard, the edge abutting the residential properties to the northwest is the rear yard, and the edge abutting the neighboring commercial property is the side yard.

- iii. There are no previous site approvals or existing deed restrictions, covenants, or easements listed in the application materials for this proposal.

iv. **Bulk Standards:**

The following table reiterates the bulk regulations that are permitted in the zone and the proposed site plans compliance/non-compliance with the same from our last memorandum dated May 19, 2026.

- a. ***It was recommended that the Applicant update the zoning table in the plans based on the following table, but the revised plans do not have an updated table. This should be revised.***

Bulk Standards for Retail Business in B-1 General Business Zone			
	Ordinance Requirements	Existing	Proposed
Min. Lot Area (Chapter 25 Attachment 3)	Non-Residence: No minimum	30,218 SF	30,218 SF
Min Lot Frontage/Width (Chapter 25 Attachment 3)	Non-Residence: No minimum	Main Street: 210.41 ft	Main Street: 210.41 ft
		Erwin Street: 162.47 ft	Erwin Street: 162.47 ft

		Prospect Place: 24 ft	Prospect Place: 24 ft
Min. Front Setback (Chapter 25 Attachment 3)	Business: No minimum	Main Street: 0.2 ft	Main Street: 0 ft
Minimum Side Front Yard- Corner Lot (Chapter 25 Attachment 3)	Business: None required	Erwin Place: 47.6 ft	Erwin Place: 0 ft
		Prospect Place: ~124 ft	Prospect Place: ~124 ft
Min. Side Setback (Chapter 25 Attachment 3)	Non-Residence: None required except 6 ft min. for any side yard provided	Lot 48 & 49: 0 ft	Lot 48 & 49: 0 ft
		Lot 51: ~124 ft	Lot 51: ~124 ft
Min. Rear Setback (Chapter 25 Attachment 3)	30 ft	Lot 58: 2'-9"	Lot 58: 2'-11" min. (V)
		Lot 49: >30 ft	Lot 49: >30 ft
Max. Building Height (Chapter 25 Attachment 3)	2 ½ stories and not exceeding 35 ft	1 story /18.3 ft	2 stories /25 ft
Max. Building Cover (Chapter 25 Attachment 3)	60%	36.6%	46.11%
Max. Impervious Cover (Chapter 25 Attachment 3)	75%	99%	97% (V)

ENC = Existing non-conforming condition

V = Bulk variance required

v. Zoning Table Revisions:

- a. **The specific Zoning Table updates which were recommended previously are listed below. These updates are not reflected in the revised plans. Applicant shall update the Zoning Table in the architectural drawings and site plan to include/amend the following bulk standards:**

- Include Prospect Street as a side front yard and include frontage.
- Amend frontages of Main Street and Erwin Street to match survey.
- Amend proposed minimum rear setback for the rear yard along Lot 58 to 2'-11".
Currently the Applicant has labeled the rear setback at 17'-1 3/8" at the entrance

to the loading dock abutting Lot 58, but the minimum setback exists at the other corner abutting Lot 58, where the setback is 2'-11 to the loading dock wall.

- d. Include the lot line adjacent to Lot 51 as a side yard.
- e. Include the lot line adjacent to Lot 49 as a rear yard.

5. Site Plan Review

A. Landscaping and Fencing:

i. Trees:

- a. The tree replacement plan proposes the removal of two (2) trees with DBH sizes of 24" and 12". Based on the size of these trees and the requirements of § 28-8, the Applicant would require either six (6) replacement trees with a minimum caliper of 4 inches, or twelve (12) replacement trees with a minimum caliper of 2.5 inches. **Applicant shall provide an updated Tree Removal and Replacement Permit.**

i. Since our previous memo, this office has not received any update on this item.

- b. 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 (§25-12.1o). The applicant is proposing 44 parking spaces, requiring 4 trees.
- c. The total required trees needed (with a minimum caliper of 2.5 inches) is sixteen (16.) The Applicant is proposing a total of 17 trees with a minimum caliper of 2.5 inches, which meets the requirements of tree replacement of the two (2) existing trees and the parking area screening requirement.
- d. The Applicant notes that three (3) trees are "existing trees to be replaced." The removal and replacement of these trees would require a greater number of replacement trees, as the code does not permit a 1:1 replacement. **Applicant to provide approval from the Township Forester, Land Use Board, and/or Township Engineer and provide updated tree removal application. Applicant to provide species and DBH of existing shade trees on Erwin Place if they plan to remove them.**

i. Since our previous memo, this office has not received any update on this item.

ii. Rain Garden:

- a. Three (3) rain garden areas are proposed in the surface parking lot area and will contain a collection of shrubs and grasses. **Planting Plan does not indicate species to be planted in rain gardens. Applicant to provide planting list for rain garden. Additionally, we recommend a maintenance manual for these rain gardens be provided by the Applicant and reviewed by the Board Engineer.**

- i. **During the hearing on June 3, 2026, the applicant agreed to provide these items, though they were not submitted with the revised plans. Given the small size of these gardens and the potential for inundation of water with high levels of salinity and pollutants from street runoff, we recommend that the applicant provide testimony regarding the long-term viability of these gardens.**
- iii. **Buffer Strips in Non-Residential Districts (§25-11.3):**
- The rear property line represents the boundary between a nonresidential district and a residential district; therefore, a buffer strip is required.
 - For lots smaller than 40,000 SF, the required buffer width shall be 10% of lot width or depth, but not less than 20 feet. The lot width is 162.47 ft, requiring a minimum 20-foot buffer.
 - No buffer strip is proposed, and a variance is required (V).**
- iv. The entire perimeter of all parking areas and the edges of all the entrance and exit drives will be enclosed with a concrete or granite block curb at least six inches above the paving surface.
- v. **Walls and Fences:**
- The revised plans show an 8ft high metal gate is proposed at the entrance to the rear loading space. Applicant to provide testimony regarding the intention of the gate.**

Walls and Fences (§25-8.4)			
	Ordinance Requirements	Existing	Proposed
Walls & Fences (§25-8.4a)	Walls and fences which are not more than 50% solid are permitted anywhere on the property provided they are not higher than four feet	-	<u>100% solid 6ft high vinyl fence on property line of rear yard (V)</u>
Walls & Fences (§25-8.4c)	In all nonresidential districts, fences or walls not exceeding six feet in height shall be permitted in the side and rear yards provided the fence or wall is not closer than five feet at any point to a principal building in a residential district.	-	<u>Proposed 6ft tall vinyl fence on property line of rear yard <5' to the building (V)</u>
Roof Equipment Screening (§25-11.8)	Roof equipment including but not limited to elevator towers, air conditioning units, satellite dishes, and similar equipment shall be screened with either a solid or decorative shield. Such equipment should be located in the center of the roof when possible. No roof equipment shall exceed 15 feet in height	-	HVAC in center of roof and screened by 8ft high metal fence. Solar arrays in center of roof area and screened by 42" railing.

Parking Area Screening (§25-12.1e)	Any parking area shall be screened on any side which adjoins or faces premises situated in any residence district by a fence, wall, berm, evergreen or hedge maintained in good condition as required.	-	A retaining wall proposed in the rear yard abutting Lots 49 and 58. Applicant to provide height and construction details. (No details provided in revised plans)
Loading Area Screening (§25-12.3b3)	Parking areas and off-street truck-loading spaces shall be suitably paved, drained, lighted, appropriately planted and fenced for the protection of adjacent properties in accordance with specifications of the Township.	-	Proposed 6ft vinyl fence on property line of rear yard adjacent to loading space.

B. Parking and Site Circulation:

- i. The parking area has a one-way, u-shaped access drive. Painted directional arrows are proposed on the asphalt surface along with directional signage, including one (1) "One-Way" sign at the entrance, one (1) at the midway point of the drive, and one (1) "Do Not Enter" sign facing the street from the exit.
- ii. Customers can access the parking area via an entrance on Main Street. A new curb cut is proposed at the exit, and the location of the existing curb cut will be utilized as an entrance about 40 feet to the northeast of the exit on Main Street.
- iii. The proposed parking area includes 44 parking spaces, including four (4) EV spaces, and two (2) ADA accessible spaces, one (1) of which is van accessible.
 - a. Two (2) of the proposed spaces are located on the eastern corner of the property and are accessed from Prospect Place. They are designated as employee parking spaces. Because of the small space provided, **drivers parked in these spaces will be compelled to back onto Prospect Place when exiting, making it an unideal parking arrangement and violating § 25-12.1f of the code, thus requiring a variance (V).** Employees parking in these spaces would utilize stairs and a walkway through a landscaped area to access the main parking area.
 - b. Each publicly accessible EVSE space shall be located at a parking space that is identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage. **Applicant to provide information regarding EV signage.**

Signage should comply with § 25-12.6f3 to ensure that EV spaces are only to be occupied by EV vehicles which are connected to the EVSE.

- c. **Location of the EV spaces is subject to approval by the Fire Department.**
- d. The Zoning Table in the Architectural Plans (A0.00) note a “deed-restriction” for the automobile parking spaces. **Applicant to provide details on proposed deed-restriction.**
 - i. **Since our previous memo, this office has not received any update or details on this item.**
- iv. The proposal required two (2) on-site loading spaces for this project, whereas one (1) on-site loading space is proposed.
 - a. **Applicant shall provide a truck turning diagram for the loading space on the western corner of the property on Erwin Place.**
 - i. **We are concerned if there is sufficient space for the turnaround. The truck turning diagram on sheet A0.08 suggests that a truck is likely to clip the adjacent street tree on Erwin Place.**
 - b. The loading area is on the western corner of the property off of Erwin Place and provides delivery trucks with access to the storage area on the second floor of the building. The grade rises from the corner of Main Street and Erwin Place to the western corner, and this rising grade enables the loading dock and second-floor storage space to be directly accessible from the driveway level. **The Applicant shall provide testimony regarding the frequency of deliveries expected to the site at this loading space. This is especially of concern given the location of loading aisle and its close proximity to adjacent residential properties.**
 - i. **Reiterating our comment in the Refuse and Recycling section above, Applicant shall comply with the noise ordinance § 4-4.2e and make note of this compliance on the final plans.**
 - c. The proposed Site Plan includes a hatched area on a section of the Main Street ROW to be used as a temporary loading space. **Applicant will need to receive County approval for this loading space and provide details on the approval. It is not clear if this has been approved. Further, it is noted that this would reduce the on-street parking by three (3) spaces during deliveries.**
 - i. This proposed space is not to be included to meet the loading space requirement, since it is off tract and in a public ROW.

- ii. The site plan indicates that the space will be reserved for loading between 7AM and 12AM from Mondays to Thursdays.

1. Applicant to confirm whether street signage will be provided once approved by the County. Final plans should be revised to include this signage.

- iii. This proposal would require the on-street parking on Main Street to be reduced by three (3) spaces during its use. Main Street is a busy corridor in the downtown area, and the early morning use of this space for loading has the potential to conflict with preschool drop-offs at the West Orange Community House and Boys & Girls Club located next door to the Subject Property. **We express concern over location of this loading space and require that approval/ discussion from the County be confirmed prior to Planning Board review.**
- iv. There is significant traffic in the morning on Main Street, and the temporary loading space has the potential to impede traffic or cause visibility issues at the Erwin Place intersection. **Applicant should provide testimony regarding the temporary loading space's potential to block the site view coming out of the grocery store or turning onto Main Street from Erwin Place while a truck is making a delivery.**
- v. The proposal indicates that the parking calculation is not required to include the second-floor storage area. However, as per definition of gross floor area, "there shall be no deduction made for hall areas, staircases or elevator areas, closets, storage areas, utility rooms, bathrooms, conference rooms, or reception areas." Therefore, **the Applicant is required to include the second-floor storage area in the parking minimum calculation.**
- vi. Off-street parking shall be provided on the same lot as the principal building, except that off-site parking for non-residential uses in the B-1 district may be provided on properties within 250' of the lot on which the principal building is located. **Applicant should consider this provision as an alternative to seeking a parking variance.**
- vii. Bicycle parking is located directly adjacent to the vehicular entrance to the site. **We recommend providing a crosswalk and/or traffic-calming measures to increase driver awareness of bicycle and pedestrian activity in this area. Additionally, we recommend paving pattern changes and/or pedestrian warning light signals along the vehicular entrance to enhance pedestrian safety along the sidewalks.**

- i. **Since our previous memo, this office has not received any update on this item, and a change is not reflected on the revised plans.**

Parking and Loading Space Requirements			
	Ordinance Requirements	Existing	Proposed
Minimum Number of Off-Street Parking Spaces (§25-12.2)	Non-residential uses in CBD: None for first 1,000 SF of gross floor area then 1 per 300 SF $(18,078 \text{ SF} - 1,000) / 300 \text{ SF} = 56.9^*$ = 57 spaces required	-	44 On-site stalls + 4 EV** credit = 48 spaces (V)
Minimum Number of Loading Spaces (§25-12.3)	For buildings to be occupied by market uses or other use requiring the receipt of distribution in vehicles of materials or merchandise. 15,000 SF to 30,000 SF of Gross Floor Area = 2 spaces required	-	1 on-site loading space (V)
Loading Space Size and Location (§25-12.3)	Each loading space shall be at least 10 feet in width, 40 feet in length and have a fourteen-foot overhead clearance.	-	10' x 40' Applicant to confirm overhead clearance
	Loading space only permitted in the side or rear yard provided no part of the space is nearer than five feet from any side or rear property line.	-	Loading space in rear yard <5' from property line (V)
General Provisions for Off-Street Parking (§25-14.3)	Off-street parking surfaced with asphalt, bituminous, or cement binder and graded to dispose of all surface water.	Asphalt lot	Proposed asphalt and permeable pavement in parking spaces
	5' sidewalk at least 5" above the parking area between any building and a parking area or drive used by the public.	-	No sidewalk proposed between parking area and building (V)
	Parking spaces clearly marked showing parking arrangement and traffic direction.	-	Arrows show direction of one-way drive
	All parking areas shall be so designed that vehicles are not compelled to back directly onto a public right-of-way.	-	Two parking spaces on Prospect Place would require backing into the street (V)

Parking and Loading Space Requirements			
	Ordinance Requirements	Existing	Proposed
	Service Aisle Standards: 90-degree angle parking = 24' aisle width. Two-way.	-	24' One Way
	Parking area entrance/exit at least 50' from residential district	-	>50'
	Standard size parking spaces shall have minimum dimensions of 9 feet by 18 feet	-	9' x 18'
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	-	Longest parking row = 11 spaces

V = Bulk variance required

*Per §25-12.2.B.3, "Whenever the application of Parking Schedule II results in a fractional parking space in excess of one-half, a full space shall be required."

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

Electric Vehicle Parking Requirements			
	Ordinance Requirements	Existing	Proposed
Required Electric Vehicle Parking Spaces (§25-12.6)	Install at least 2 make-ready parking spaces if there will be 51-75 off-street parking spaces. Required = 2 Spaces	-	4 make-ready spaces
	Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length.	-	EV parking spaces: 9' x 18'

C. Lighting:

- i. A total of three (3) different exterior lighting fixtures are proposed.

- ii. Fixture L-1 is a wall-mounted fixture, and six (6) L-1 fixtures are proposed in the rear and side yard around the loading dock area at a mounting height of 8'-6".
- iii. Fixture L-2 is pole-mounted fixture in the center of the parking lot at a mounting height of 18'.
- iv. L-3 is a pole-mounted fixture, and two (2) are proposed at either end of the parking area, near the rear lot line and the entrance, at a mounting height of 18'.
- v. Lighting ordinance requires under standards for Duration of Illumination (§25-14.1.1e) that "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." ***Applicant to provide information regarding lighting when facility is closed and which light fixtures, if any, will remain on after operating hours.***
 - a. ***Since the previous memo, this office has not received any update on this item.***
- vi. It appears the lighting levels at Main Street and Erwin Street are between 2.0 and 0.5 FC. ***We recommend the lighting along the street be increased. We defer to Board Engineer for review.***

Illumination for B-2 District		
	Requirement	Proposed
Min. Illumination at Pedestrian Walkways (§25-14.3)	0.9 footcandles	Walkways in parking area: 0.5 FC min.
Min. Illumination at Parking Areas (§25-14.3)	2.0 footcandles	2.0 FC
Min. Illumination at Streets (§25-14.3)	1.2 footcandles	Min. 0.5 FC (W)
Max. Illumination at Property Lines (§25-14.1d)	0.5 footcandle or 0.3 footcandle abutting residential use	Lot 58 Property Line (residential): 0.5 FC (W) Lot 49 Property Line (residential): 0.5 FC (W)
Max. Height of Wall-Mounted Fixture (§25-14.1c)	18 ft above normal grade	18 ft

V = Bulk variance required

W = Waiver Required

D. Signage

- i. Two signs are proposed on the Main Street side of the building. One will be positioned on the façade and the other on a canopy extending from the glass storefront.

Signage (§25-15)			
	Requirement	Existing	Proposed
Façade Signs (§25-15.3.C1b)	Combined sign area limited to 1.5 square feet of sign area for each one foot of the width of the building, including window and door area, up	-	<u>Main Street Signage:</u> Sign 1 = 62 SF Sign 2 = 32 SF Total = 94 SF

Signage (§25-15)			
	Requirement	Existing	Proposed
	to a maximum of 200 square feet for each facade <u>Main Street facade:</u> 87' x 1.5 = 130.5 SF maximum		
	The maximum height of any facade sign shall be two feet.	-	<u>Main Street Signage:</u> Sign 1 = 8' (V) Sign 2 = 1'-6"
General Regulations (§ 25-15.4I)	An awning or canopy sign may not exceed eight inches in height but may run the entire length of the allowable edge.	-	<u>Canopy Sign (Sign 2) =</u> 1'-6" (V)

6. Statutory Criteria:

Bulk/ "C" Relief

1. The applicant requires c-variance relief for this application. The applicant shall provide testimony that demonstrates how the request for relief may be granted based on one of the standards provided in the MLUL at N.J.S.A. 40:55D-70c. It is the applicant's responsibility to bear the burden of proof.

In order to satisfy the positive and negative criteria for each c variance enumerated above, the applicant should provide testimony that satisfies either the c(1) hardship criterion or c(2) flexible criterion as set forth in the MLUL.

- a. Positive criteria: There are two types of c variances - the c(1) hardship and the c(2) flexible variance.

The *c(1) hardship* criteria states that a "hardship" will occur if the variance is not granted. The hardship relates to the physical or topographical features of the property and cannot relate to financial or personal hardship. Hardship relating to property can include:

- i. Narrowness, shallowness, or irregular shape
- ii. An exceptional topographic condition
- iii. Other unique conditions or features affecting the property

The *c(2) flexible variance* states that by granting the variance, the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and that the benefits of granting the variance substantially outweigh the detriments.

- b. Negative criteria: The applicant must satisfy the two-prong test of the negative criteria;

- i. The variance can be granted without substantial detriment to the public good; and
- ii. The variance can be granted without causing substantial detriment to the zone plan.

The applicant's testimony regarding the negative criteria should address any potential impacts that the proposed variances may have on the neighborhood, as well as how the proposed development is consistent with, or in potential conflict with, both the zoning