



A TRADITION OF LEGAL EXCELLENCE SINCE 1938

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January 27, 2021

Philp D. Neuer, Esq., Chairperson
West Orange Board of Adjustment
66 Main Street
West Orange, NJ 07052

Re: CSH Development, LLC

Dear Chairman Neuer and Members of the Board of Adjustment:

This firm represents CSH Development, LLC ("CSH"), the contract purchaser of the property known as the Atrium, located at 609 Eagle Rock Avenue in West Orange, New Jersey. CSH intends to construct a three story, 84 unit, 97 bed assisted living residence on the site after demolishing the existing building.

CSH's Application is for a use variance to allow the assisted living facility to be located in the B-2 Zone (this use is not permitted in the zone), six C(2) variances, and for Preliminary and Final Site Plan Approval.

The purpose of this letter is to advise this Board of the law applicable to the requested variances for this application, to introduce our client and to provide a short outline of the testimony we will present.

The law governing the use variance portion of this application was established in 1999 in the Appellate Division case of Sunrise Development, Inc. v. Zoning Board of Adjustment of the Borough of Madison et al. In that case, the Appellate Division held that housing for the elderly is an inherently beneficial use of a high priority. The case specifically holds that assisted living facilities, including those operated for profit, are to be treated as an inherently beneficial use. The Appellate Division summarily rejected a wide variety of alleged detriments which the Madison Board of Adjustment had found were outweighed by the public benefits. Based on this analysis, the appellate court reversed the decision of the trial court and that of the Board of Adjustment. A copy of the decision is attached to this letter.

In 2000, the Municipal Land Use Law was amended to provide a definition of "inherently beneficial use". N.J.S.A. 40:55D-U, now provides:

"a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such uses include, but are not limited to, a

hospital, school, childcare center, group home or a wind, solar or photovoltaic energy facility or structure."

This statutory definition is not limited to the named usage. Case law has added churches, other places of worship, community shelters, and public interest housing, such as senior, low income and housing for the homeless, public utility installations, healthcare facilities for the elderly and schools for the developmentally disabled, as inherently beneficial uses. It should be noted that there are two relatively recent cases that would continue the holding of the Madison case, discussed above. These are the cases of Krousos v. Zoning Board of Adjustment of Paramus, decided by the Appellate Division in 2014 and Stefansky v. Zoning Board of Adjustment of the Township of Lakewood, decided by the Appellate Division in 2013.

As this Board well knows, N.J.S.A. 40:55D-70-70(d) requires CSH to affirmatively show "special reasons", to justify the use variance. This proof requires satisfying both the "positive criteria" and "negative criteria." The fact that CSH's assisted-living facility is an inherently beneficial use, establishes, as a matter of law, the positive criteria. CSH is still required to satisfy the negative criteria. Under the case of Sica v. Board of Adjustment of the Township of Wall, 127 N.J. 152 (1992), the New Jersey Supreme Court created a four-part balancing test that this Board must follow in evaluating the negative criteria for CSH's inherently beneficial use. The test requires this Board to do the following:

1. Evaluate the public interest served by the inherently beneficial use;
2. Identify any adverse consequences of granting the variance;
3. Consider what conditions might be imposed to mitigate the adverse consequences; and
4. Finally, to balance the public interest in granting the variance versus the adverse impact, as lessened by any conditions imposed by this Board, and determine whether, on balance, there would be substantial detriment to the public good if the variance was granted. Only if the detriment is substantial, can this Board deny the variance.

It is important to remember the word "substantial". In this regard, the analysis that the Appellate Division went through in the Madison case is instructive.

We note that the West Orange Zoning Ordinance accurately defines an assisted living facility in the Definitions section of the Ordinance.

The testimony to prove the necessary elements, of the C(2) variances will show, i.e., that the variances relates to a specific piece of property, that the purposes of the MLUL will be advanced by a deviation from the zoning ordinance requirements, that the variances can be granted without substantial detriment to the public good, that the benefits of the deviations will substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and zoning ordinances will be covered by factual and expert testimony.

CSH will comply with the N.J.S.A. 26:2H-1216, which requires that 10% of the beds in the assisted living residence be designated as Medicaid beds. (Item 52 of the Check List).

We are also attaching documentation showing that the real estate taxes are current.

CSH will be presenting the following witnesses:

- Joseph McElwee, to give you the CSH story, history, and the overview and operation of the assisted living residence.
- Dan Sehnal, PE of Dynamic Engineering, to describe the site plan;
- Dan King, AIA, of Meyer Design, to describe the CSH assisted living residences and its components;
- Ed Snieckus of Burgis Associates, Inc., to cover planning issues;
- Jim Largenstein of JLL Designs, to cover landscape and tree removal issues;
- David Shropshire to cover traffic and parking issues.

Finally, we enclose two checks, one in the amount of \$5,688, representing the site plan application fees and \$7,020.75 representing the escrow deposit.

On behalf of CSH, we look forward to having the Application deemed complete and our first meeting with the Board.

Respectfully submitted,



Robert L. Podvey

RLP/mr
Enc.

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Great Rock Asset Management	
	2 Business name/disregarded entity name, if different from above dba Capitol Seniors Housing	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☒ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► S Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ►	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
	5 Address (number, street, and apt. or suite no.) See instructions. 1275 Pennsylvania Ave NW FL2	Requester's name and address (optional)
	6 City, state, and ZIP code Washington DC 20004	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
			-					
or								
Employer identification number								
2	0	-	8	9	1	8	6	9 1

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ► <i>D. Amy Anderson</i>	Date ► <i>6.15.2020</i>
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



West Orange Property Tax Site - Item Display

[Back to Landing Page](#)

[Back to Main Page \(Start a New Search\)](#)

[Back to Search Results](#)

Interest Thru 02/01/21

Block 00152 22
Lot 01412 01
Qualifier
Account 06694000
Name 609 EAGLE ROCK AVENUE LLC
Location 609-611 EAGLE ROCK AVENUE
Address 609-611 EAGLE ROCK AVENUE
Address 28-31 31ST STREET
City/State ASTORIA NY
Zip 11102
Class 4A

Additional Lots

Building Description

Land Size

Zoning

Map Page 0076

Bank Code

Current Amount Due: \$0.00

The amount below is the original dollar amount billed, the amount does not reflect any adjustments made to your account such as interest, tax appeal credits, homestead rebate and or any other credits applied.

Year	Due Date	Amount	Period	Paid Date	Balance
2020	02/01/2020	\$32976.00	1	10/22/2019	\$0.00
2020	05/01/2020	\$32976.00	2	05/27/2020	\$0.00
2020	08/01/2020	\$32976.00	3	07/07/2020	\$----
2020	11/01/2020	\$36874.80	4	10/09/2020	\$----
2021	02/01/2021	\$33951.00	1	01/19/2021	\$----
2021	05/01/2021	\$33951.00	2	01/19/2021	\$----
Total		\$			\$0.00

Capitol Seniors Housing

DATE	INVOICE NO.	DESCRIPTION	DEDUCTION	BALANCE		
1-22-21	012221Fees	preliminary and final app fees	.00	5868.42		
CHECK DATE	1-22-21	CHECK NUMBER	4573	TOTAL >	.00	5868.42

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Capitol Seniors Housing
 1275 Pennsylvania Avenue Northwest
 Washington DC 20004
 202-469-8400

Bank of America, N.A.

15-120/540

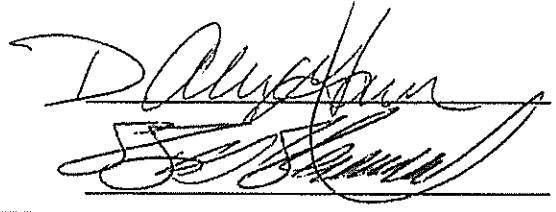
4573

DATE 01/22/2021

Pay:*****Five thousand eight hundred sixty-eight dollars and 42 cents

\$ ****5,868.42

TO Township of West Orange
 THE 66 Main Street
 ORDER West Orange, NJ 07052
 OF



THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈000004573⑈ ⑆054001204⑆ 001925053076⑈

Capitol Seniors Housing

DATE	INVOICE NO	DESCRIPTION	DEDUCTION	BALANCE
1-22-21	012221Escrow	W Orange Escrow Deposit	.00	7020.75
CHECK DATE	1-22-21	CHECK NUMBER	4572	TOTAL >
			.00	7020.75

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Capitol Seniors Housing
 1275 Pennsylvania Avenue Northwest
 Washington DC 20004
 202-469-8400

Bank of America, N.A.

15-120/540

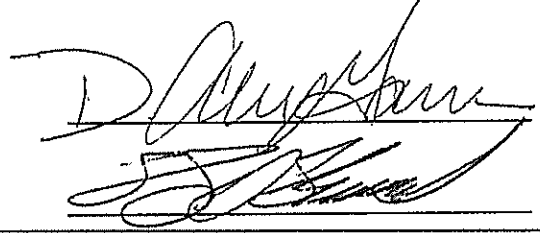
4572

DATE 01/22/2021

Pay:*****Seven thousand twenty dollars and 75 cents

\$ ****7,020.75

TO Township of West Orange
 THE 66 Main Street
 ORDER West Orange, NJ 07052
 OF



THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈000004572⑈ ⑆054001204⑆ 001925053076⑈



TOWNSHIP OF WEST ORANGE APPLICATION PACKAGE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

1. Zoning/Planning Board Application
2. Checklists:
 - “C” and “D” Applications Interpretations and Appeals
 - Major/Minor Site Plan or Subdivision (52 Items)
 - Sustainability Checklist
3. Fee Schedules
4. W-9 Form
5. Zoning Board of Adjustment Meeting Schedule
6. Planning Board & Site Plan Review Advisory Board Meeting Schedule
7. Tree Removal Application Procedure
8. Tree Removal Application

BEFORE preparing or submitting an Application, it is strongly suggested that you contact the Planning Board Secretary or Zoning Board Secretary. We will be happy to assist you or answer any questions pertaining to the filing of an application to the Planning Board (325-4111) or Zoning Board of Adjustment (325-4108).

PLEASE NOTE:

- ! The application must be typed or neatly printed.
- ! Twenty (20) copies total - no exceptions. (Nineteen (19) copies shall be submitted with one (1) original.)
- ! Each application, including the original must have attached any enclosures as required.
- ! Refer to the Zoning Ordinance for all application requirements.
- ! Application fees and escrow must be submitted at the time of filing.
(If an escrow fee is required, a completed W-9 form must accompany the fees).
- ! All experts must be licensed to practice in the State of New Jersey.
- ! Any additional documents submitted after the original filing of the Application must include twenty copies total (nineteen (19) copies with one (1) original) to the Zoning Board or Planning Board and must be submitted at least 10 days before the Applicant's public meeting date.

After the Board hears the Application and renders a decision, a Resolution will be read and voted on at the next scheduled regular meeting. Upon receipt of the signed Resolution, the Applicant must submit eight (8) full size sets of final site plans, signed and sealed, to the Board Secretary for signatures. Once the Applicant receives a copy of the signed site plan, the Applicant may then apply for building permits.

TOWNSHIP OF WEST ORANGE APPLICATION FORM FOR THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

A. APPLICANT INFORMATION

Full Legal Name: CSH DEVELOPMENT, LLC

Mailing Address: 1275 Pennsylvania Avenue NW, 2nd FL, Washington DC 20004
(Last) (First) (State) (Zip)
Telephone Number: (610) 246-6663 Email: joe.mcelwee@cshpe.com
(Street) (City)

Is the Applicant an: ☐ Individual, ☐ Corporation, ☐ Partnership, ☒ Other LLC

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached.

Relationship of the applicant to the property: ☐ Owner, ☐ Tenant or Lessee, ☒ Purchaser under contract
(with consent of owner, ☐ Other (please specify) _____)

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☐ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: 609 Eagle Rock Avenue LLC

Address: c/o Paul Jemas, Esq., 38 Roseland Ave., Roseland, NJ 07068

Telephone Number: (973) 228-0064 Email: pjemasesq@aol.com

C. PROPERTY INFORMATION

Street Address: 609 Eagle Rock Avenue

Block Number(s): 152.22; Lot Number(s): 1412.01

Tax Plate: _____; Zone of Property: B-2

The location of the property is approximately 960 feet from the intersection of _____
Eagle Rock Avenue and Pleasant Valley Way (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?

☐ Yes, Date(s): _____; ☒ No

If yes, please attach copies of the written decisions adopted by the Board to each application.

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☒ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☐ Variance "C1" Reason: ☐ shape of property; ☐ physical features; ☐ exceptional situation.
- 4) ☒ Variance "C2".
- 5) ☒ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☒ Site Plan: ☐ preliminary; ☐ final; ☒ preliminary and final; ☒ with variances; ☐ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☐ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☒ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list. See attached list for additional variance references

Section: Ch. 25/3; Proposed: 3 stories; Description: permitted 2.5 stories & 35'
Section: Ch 25/3; Proposed: 75% lot coverage (More than 60% lot); Description: Permitted 60%; currently 83%
Section: 25-12.1L; Proposed: Parking permission in front yard; Description: No permitted parking allowed now in front yard
Section: 25-12.2; Proposed: Parking spaces; Description: Need min 51 parking spaces for 84 units

E. DESCRIPTION OF PROPERTY

Existing Use of the Property

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)
abandoned catering facility

The property is 110,003 (square feet); 2.53 (acres)

Impervious Surface Coverage: Present: 83%; Proposed: 75% approx. (less than 83%)

Building Coverage: Present: 15,000; Proposed: 80,514 sq feet

Is the property located:

Within 200 feet of another municipality?	☐ Yes	☒ No
Adjacent to an existing or proposed county road?	☒ Yes	☐ No
Adjacent to other county land?	☐ Yes	☒ No
Adjacent to a state highway?	☐ Yes	☒ No

C Variance continued:

Section: § 25-111.3a

Proposed: 50' Buffer from adjoining residential use or district

Description: only 30' allowed

Section: § 25-12.3a2

Proposed: 3 loading docks

Description: only one loading dock currently provided

D Variance:

Section: Non-permitted use

Proposed: assisted living facility

Description: abandoned catering establishment

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY: Robert Podvey, Esq./Partner

Telephone Number: (973) 535-0500 Email: rpodvey@connellfoley.com

Address: c/o Connell Foley LLP, 56 Livingston Ave., Roseland, NJ 07068

APPLICANT'S ENGINEER: Daniel T. Sehnal, PE

Telephone Number: (908) 879-9229 Email: dsehnal@dynamiccec.com

Address: c/o Dynamic Engineering Consultants, PC, 245 Main Street, Suite 110, Chester, NJ 07930

APPLICANT'S ARCHITECT: Dan King

Telephone Number: (610) 649-8500 Email: dking@meyerdesigninc.com

Address: c/o Meyer Design, Inc., 227 East Lancaster Avenue, Ardmore PA 19003

APPLICANT'S PLANNER: Ed Snieckus, Jr.

Telephone Number: (201) 666-1811 Email: es@burgis.com

Address: c/o Burgis Associates, Inc., 25 Westwood Avenue, Westwood, NJ 017675

OTHER EXPERT(S): Dave Shropshire (Traffic Engineer)

Telephone Number: (609) 714-0400 Email: dshropshire@sallc.org

Address: c/o Shropshire Associates LLC, 277 White Horse Pike, Ste 203, Atco, NJ 08004

If necessary, please list any additional experts below, including address, telephone number and email address.

Jim Langenstein, Landscape Architect; Telephone number: 267-664-6336

Email: jjl designs@comcast.net; Address: c/o JjL Designs, 1905 Millersville Pike, Lancaster, PA 17603

G. REQUIREMENTS FOR VARIANCES

See attached letter

- 4A) Please attach a written statement labeled “**PROPOSAL**”, describe the major elements of your proposal, and describe in detail the physical and use changes proposed.
- 4B) Please attach a written statement labeled “**REASONS FOR RELIEF**”, which fully answers 4C-1, 4C-2 or 4D (Special Reasons) AND part 4E (Negative Criteria).
- 4C-1) (*For C1 variances only*) The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- 4C-2) (*For C2 variances only*) State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- 4D) (*For D variances only*) State the special reasons under *N.J.S.A 40:55D-70d* affecting this property.
- 4E) The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

J. VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Applicant's Signature: _____

Joseph McElwee

Date: _____

1/22/21

CONTINUANCE

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statue time limit, the applicant grants permission for such an extension.

Applicant's Signature: _____

Joseph McElwee

Date: _____

1/22/21

OWNER'S AUTHORIZATION – MUST BE SIGNED

I hereby certify that I reside at c/o Alma Bank 28-31 31st Street, Astoria, NY 11102
in the County of Queens and the State of New York;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 152.22;
Lot(s) 1412.01 on the Tax Map of West Orange which property is the subject of the above
application, and that said application is hereby authorized by me. Furthermore, I authorize inspection of the site
which is the subject of this application.

Owner's Signature: _____

Thomas E. DiMaio

Date: 01/27/2021

By: Thomas E. DiMaio, Member

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.

**CHECK LIST OF REQUIRED ITEMS
"C" AND "D" APPLICATIONS
INTERPRETATIONS AND APPEALS**

**APPLICATIONS FOR MAJOR/MINOR SITE PLAN OR SUBDIVISION MUST REFER TO THE
SITE PLAN/SUBDIVISION CHECKLIST -52 ITEMS. 20 Total (original and 19 copies).**

All checked items are required; please complete and submit to Board Secretary:

- ✓ **Completed Application Form, 20 Total** (original and 19 copies), including:
 - ✓ the written proposal;
 - ✓ list of variances being requested;
 - ✓ property information;
 - ✓ applicant and owner information;
 - ✓ statement or legal brief which clarifies why the variance should be granted and the specific reasons or hardship that pertain to the proposal, or
 - ✓ in the case of an appeal or interpretation, a statement or legal brief that clarifies the position of the applicant.
- ✓ **Survey** – original signed and sealed by New Jersey licensed Land Surveyor, **20 Total** (original and 19 copies).
- ✓ **Site Plan, all dimensions**, including setbacks, must be shown and prepared by New Jersey licensed Professional except for an owner occupied, single family home, in which case the property owner may prepare the site plan, **20 Total** (original and 19 copies).
- ✓ **Floor plans, all dimensions** must be shown-prepared by New Jersey licensed Architect except for an owner occupied, single family home, in which case the property owner may prepare the floor plan, **20 Total** (original and 19 copies).
- ✓ **List of property owners** within 200' certified by the Municipal Tax Assessor (original).
- ✓ **Proof that taxes have been paid**, certified by the Municipal Tax Collector (original).
- ✓ **A 200' radius map**, **20 Total** (original and 19 copies).
- ✓ **Application fee** (non-refundable) also a **Digitizing Fee**.
- ✓ **Elevations of three sides**, in the case of an existing structure with no proposed structural changes, photographs may be used, **20 Total** (original and 19 copies).
- ✓ **Height dimensions** to be included on all elevations, **20 Total** (original and 19 copies).
- ✓ **All plans and documents** for West Orange COAH requirements.
- ✓ **For all Major Subdivision applications**, major site plan applications and all applications applying for a "D" variance, a Planner's report prepared by a New Jersey licensed Planner must be submitted, **20 Total** (original and 19 copies).
- ✓ **For all Major Subdivision applications**, and major site plan applications, a Traffic Study prepared by a New Jersey licensed Engineer must be submitted, **20 Total** (original and 19 copies).
- ✓ **All Site Plan applications** must submit a tree removal application and a tree replacement plan and provide a report according to Chapter 31 of the West Orange general ordinances, **20 Total** (original and 19 copies).

Your application will not be deemed complete unless all these items are included. It is absolutely necessary that all dimensions and elevations be shown on the site plan and floor plan.

Please note: other materials may be requested by the Planning Director or Board Members.

TOWNSHIP OF WEST ORANGE

Site Plan/Subdivision Checklist

APPLICANT:

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan			Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED	
Item Number	Description		Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
1. PROJECT/PLAT INFORMATION												
1. <u>Item:</u>	Name, address of owner and applicant.	X	X	X	X	X	X	X	X	☒		
2. <u>Item:</u>	Name, signature, license number, seal and address of engineer, land surveyor, architect, professional planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X	X	X	X	X	☒		
3. <u>Item:</u>	Title block denoting type of application, tax map sheet, county, name of municipality, block & lot, and street location.	X	X	X	X	X	X	X	X	☒		
4. <u>Item:</u>	A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500'. <u>Comment:</u> Describes setting; may be less detailed in pre-application-concept plan and GDP stages.	X	X	X	X	X	X	X	X	☒		
5. <u>Item:</u>	A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc. <u>Comment:</u> Schedule may be less detailed in pre-application-concept plan stages.	X	X	X	X	X	X	X	X	☒		
6. <u>Item:</u>	North arrow and scale.	X	X	X	X	X	X	X	X	☒		
7. <u>Item:</u>	Proof that taxes are current.		X	X	X	X	X	X	X			
8. <u>Item:</u>	Signature blocks for Chairman, Secretary and Municipal Engineer.		X	X	X	X	X	X	X	☒		
9. <u>Item:</u>	Appropriate certification blocks as required by Map Filing Law.		X			X	X					
10. <u>Item:</u>	Monumentation as specified by Map Filing Law <u>Comment:</u> Monumentation required only for final subdivision.		X				X					
11. <u>Item:</u>	Date of current property survey. <u>Comment:</u> Required by Map Filing Law for final subdivision and site plan; necessary for vesting on GDP.		X	X	X	X	X	X	X	☒		

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12. Item:	One (1) of four (4) standardized sheets: 30" x 42", 24" x 36", 15" x 21", 8.5" x 13" <u>Comment:</u> Required by Map Filing Law for minor and major subdivisions.		X	X		X	X	X	X	☒		
13. Item:	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and right-of-way, and centerline curves on streets.		X				X		X	☒		
14. Item:	Affidavit of ownership. <u>Comment:</u> Map Filing Law for minor and major subdivision.	X	X	X	X	X	X	X	X			
15. Item:	Acreage of tract to the nearest tenth of an acre (for GDP--to nearest acre).		X	X	X	X	X	X	X	☒		
16. Item:	Date of original and all revisions. <u>Comment:</u> Item necessary for continuity-history of project.		X	X	X	X	X	X	X	☒		
17. Item:	Size and location of any existing or proposed structures with all setbacks dimensioned. <u>Comment:</u> Item important for detailed planning.	X	X	X	X	X	X	X	X	☒		
18. Item:	Location and dimensions of any existing or proposed streets (for GDP and pre-application- concept plan -- general locations). <u>Comment:</u> Item important for detailed planning.	X	X	X	X	X	X	X	X	☒		
19. Item:	All proposed lot lines and area of lots in square feet.		X	X		X	X	X	X	☒		
20. Item:	Copy and/or delineation of any existing or proposed deed restrictions or covenants. €	X	X	X	X	X	X	X	X	☒		
21. Item:	Any existing or proposed easement or land reserved for or dedicated to public use. €	X	X	X	X	X	X	X	X	☒		
22. Item:	Development stages or staging plans (for GDP--general staging). <u>Comment:</u> Not applicable at pre-application- concept plan stage; minor plans usually not built in stages.				X	X	X	X	X			☒

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23.	<u>Item</u> : List of required regulatory approvals or permits. <u>Comment</u> : Basic planning information. <i>a</i>		X	X	X		X		X			☒
24.	<u>Item</u> : List of variances required or requested. <i>a</i> <u>Comment</u> : Basic planning information.		X	X		X	X	X	X	☒		
25.	<u>Item</u> : Requested or obtained design waivers or exceptions. <i>a</i> <u>Comment</u> : Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan stages; required at site plan only if notice is required by ordinance.		X	X		X	X	X	X	☒		
26.	<u>Item</u> : Payment of application fees. <u>Comment</u> : Fee not imposed for pre-application conference.	X	X	X	X	X	X	X	X	☒		
27.	<u>Item</u> : Property owners and lines of all parcels within 200' identified on most recent tax map sheet. <u>Comment</u> : Describes location of all adjacent structures; not necessary at pre-application-concept plan stages; required at site plan only if notice is required by ordinance.			X	X	X	X	X	X	☒		
28.	<u>Item</u> : All existing street, water courses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of site. <u>Comment</u> : while detailed specification of environmentally sensitive areas may not be necessary at pre-application-concept plan and GDP stages, general specification of and sensitivity to such conditions is an important planning consideration.	X		X	X	X	X	X	X			☒
29.	<u>Item</u> : Existing right-of-way and/or easements on and within 200' of tract. <u>Comment</u> : Rights-of-way and easements are often unknown at the pre-application-concept (see however, Item 28).	X		X	X	X	X	X	X	☒		
30.	<u>Item</u> : Topographical features of subject property from U.S.G.S. map. <u>Comment</u> : More detailed topographic information is needed for major subdivision.	X		X	X							

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31.	<u>Item:</u> Existing and proposed contour intervals based on U.G.S. & G.S. datum. Contours to extend at least 200' beyond subject property as follows: up to 3% grade - 1' 3% + grade - 2' <u>Comment:</u> Major site plan and subdivision requires level of detail of Item 31 as opposed to Item 30.					X	X	X	X	☒		
32.	<u>Item:</u> Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features (detail may vary). <u>Comment:</u> Basic for good planning.	X	X	X	X	X	X	X	X	☒		
33.	<u>Item:</u> Existing system of drainage of subject site and of any larger tract or basin of which it is a part. <u>Comment:</u> See Item 31. Extensive level of detail required only for major subdivision and site plan.					X	X	X	X	☒		
34.	<u>Item:</u> Drainage Area Map. <u>Comment:</u> Necessary for major application; inapplicable at GDP stage.					X	X	X	X	☒		
35.	<u>Item:</u> Drainage Calculations. <u>Comment:</u> Required for minor applications if deemed necessary by Planning Board; not required at GDP stage because storm water management evaluated at major subdivision and site plan stage.		X	X		X	X	X	X	☒		
36.	<u>Item:</u> Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric & cable TV. <u>Comment:</u> Information necessary for minor site plan because of potential effect on utility systems. Only general location for electric, telephone and cable TV required.		X	X		X	X	X	X	☒		
37.	<u>Item:</u> Proposed utility infrastructure plans, including sanitary sewer, water, storm water management, telephone, electric and cable TV. <u>Comment:</u> Information necessary for minor site plan because of potential effect on utility systems. Only general location for telephone, electric and cable TV required.			X	X	X	X	X	X	☒		

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38.	<u>Item:</u> Soil Erosion and Sediment Control Plan. <u>Comment:</u> Required for soil disturbance over 5,000 sq. ft.			X		X	X	X	X	☒		
39.	<u>Item:</u> Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations. <u>Comment:</u> Not required for minor subdivision because not involving construction of buildings.			X	X	X	X	X	X	☒		
40.	<u>Item:</u> Construction details as required by ordinance. <u>Comment:</u> Such level of detail necessary only for major applications.					X	X	X	X	☒		
41.	<u>Item:</u> Road and paving cross-sections and profiles. <u>Comment:</u> See Item 40.					X	X	X	X			☒
42.	<u>Item:</u> Proposed street names. <u>Comment:</u> Applicable only when new road is proposed.					X	X	X	X			☒
43.	<u>Item:</u> New block and lot numbers confirmed with local assessor or municipal designee. <u>Comment:</u> Needed whenever a new lot is created.		X				X					
44.	<u>Item:</u> Lighting plan & details. <u>Comment:</u> Not applicable for minor subdivision because just creating lots.			X		X	X	X	X	☒		
45.	<u>Item:</u> Landscape plan & details prepared by a professional landscape architect <u>Comment:</u> Required for site plans because of magnitude of required landscaping.			X				X	X	☒		
46.	<u>Item:</u> Solid waste management plan. <u>Comment:</u> Site plan consideration only; see Item 44.			X				X	X	☒		
47.	<u>Item:</u> Site identification signs, traffic control signs, and directional signs. <u>Comment:</u> See Item 44.			X		X	X	X	X	☒		

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48. <u>Item:</u> Sight triangles. <u>Comment:</u> Necessary even for minor applications because sight triangle easement created.			X	X		X	X	X	X	☒		
49. <u>Item:</u> Vehicular and pedestrian circulation patterns (less detail necessary for pre-application-concept plan and GSP stages). <u>Comment:</u> See Item 44.		X		X	X	X	X	X	X	☒		
50. <u>Item:</u> Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions. <u>Comment:</u> See Item 44.				X		X	X	X	X	☒		
51. <u>Item:</u> Preliminary architectural plan and elevations. <u>Comment:</u> Not required where building is not proposed.				X				X	X	☒		
52. <u>Item:</u> Plans and legal documents for compliance with West Orange COAH Ordinances.			X	X	X	X	X	X	X			

€ Proposed restrictions or covenants do not have to be included for pre-application-concept plan and GDP.

⚡ Conditional approval may be granted subject to other regulatory approvals.

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SUSTAINABILITY CHECKLIST FORM

	APPLICANT – PRINT OR TYPE – ALL SECTIONS TO BE COMPLETED:	TOWNSHIP OK (Date)
SUSTAINABLE BUILDING AND DESIGN STANDARDS		
Name of LEED Accredited Professional working on project:		
List of Energy Star and WaterSense appliances, fixtures and construction techniques:		
List of green and recycled building materials in new construction, renovation, and maintenance:		
Waste Management Plan for recycling and/or reuse of 60 percent of all construction and demolition of waste generated in projects larger than \$25,000:		
Use of any water efficient landscaping:		
Use of any on-site renewable energy systems such as: (i) Solar (ii) Wind (iii) Geothermal		
Details of roofing materials designed to reduce the urban heat island effect such as: (i) Construction of roof top gardens to reduce solar gain in summer and insulate in winter (ii) Use of roofing materials that are no darker than a light gray or demonstrate how alternate roofing materials reduce the urban heat island effect		
Details of any sustainable stormwater systems employed such as: (i) Bioswales/ raingardens (ii) Permeable surfaces (iii) Grey water systems (iv) Retention and detention facilities (v) Continuous trenching		
A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides:		

Note: Please indicate for each of the sustainable building/design items listed, the extent to which the measure is being incorporated in the project or, alternatively, indicate the reason(s) why it is not being incorporated in the project.