

**Daughters of Israel, Inc.
1155 Pleasant Valley Way
West Orange, New Jersey
Block 171, Lot 12**

**Request for De Minimis Exception
from Residential Site Improvement Standards (RSIS)**

Applicant requests a de minimis exception from the Residential Site Improvement Standards (RSIS), pursuant to N.J.A.C. 5:21-3.1, with respect to the required number of parking spaces for the independent living and assisted living components of the project.

As required by N.J.A.C. 5:21-3.1(b), this shall constitute a written application filed with the municipal approving authority (Township of West Orange Zoning Board of Adjustment) and must include:

1. A statement of the requirements of the standards from which an exception is sought.

RESPONSE: Applicant seeks relief from compliance with the required number of parking spaces for the independent living component and the assisted living component of the project as set forth in N.J.A.C. 5:21-4.14, Table 4.4, as follows:

Independent living – 1BR	1.8 spaces/unit
Independent living – 2BR	2.0 spaces/unit
Assisted living	0.5 spaces/unit

These requirements, coupled with the parking standard in the Township's Land Use Regulations for the skilled nursing component, result in a requirement of 430 parking spaces for the project.

2. A statement of the manner by which strict compliance with said provisions would result in practical difficulties.

RESPONSE: As set forth in the Parking Study prepared by Petry Engineering, Inc., dated October 29, 2021, the project proposes 376 parking spaces, which increases to 419 spaces once the 2:1 Electric Vehicle parking credit is applied for the maximum of 10% reduction in total required parking spaces. This leaves a shortfall of 11 parking spaces. As the Parking Study indicates, both reference standards and industry experience for continuum of care facilities demonstrate that actual parking demand will be substantially less than what is required by RSIS and the Township's Land Use Regulations. Strictly complying with the parking requirement would impose practical difficulties because it would require the applicant to provide parking that is unnecessary, resulting in added

cost to construct, increased impervious coverage, and loss of landscape area, all for no purpose.

3. A statement of the nature and extent of such practical difficulties.

RESPONSE: In order to provide the required number of parking spaces, applicant could build a larger underground parking garage (at significant cost), or expand beyond the existing developed area, resulting in increased impervious coverage (which is already nonconforming), loss of landscape area, and possibly impact on steep slopes. Alternatively, applicant could build a smaller facility that has a lower parking requirement, but this would reduce the number of seniors would could take advantage of the age-in-place opportunities the project provides, which are both inherently beneficial and in furtherance of the Township's master planning goals.

The following table quantifies the shortfall for each component based on its proportionate share of the overall parking requirement:

Component	(A) Required Parking Spaces	(B) % of 430 Space Project Total	(C) Spaces Provided [419 x (B)]	(D) Relief Required [(A) - (C)]*
Independent Living	300	70%	293	7
Assisted Living	30	7%	29	1
Skilled Nursing	100	23%	96	4

Note: Although the overall shortfall is 11 spaces, due to rounding, the shortfall increases to 12 spaces when the proportionate share of the shortfall is computed separately for each component.

Based on the foregoing table, the applicant seeks a de minimis exception for 8 parking spaces (7 attributable to independent living, and 1 attributable to skilled nursing), and a variance for 4 parking spaces attributable to skilled nursing.