

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

A. APPLICANT INFORMATION

Full Legal Name: Altera 769, LLC

Mailing Address: 5910 N. Central Expressway, Suite 1360, Dallas, Texas 75206

Telephone Number: (972) 897-4961 Email: etillman@alteradevco.com

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. **See 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: _____

Address: _____

Telephone Number: (____) _____ Email: _____

C. PROPERTY INFORMATION

Street Address: 769 Northfield Avenue

Block Number(s): 166.15; Lot Number(s): 9

Tax Plate: 101; Zone of Property: OB-1

The location of the property is approximately 360 feet from the intersection of Northfield Avenue
and Vizcaya Blvd. (closest intersection.)

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

☒ Yes, Date(s): 1988 - site plan approval with variance relief granted by Planning Board ☐ No

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

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.
(Phase II) (Phase I) (Phases I and II)
- 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.

Section: _____; Proposed: _____; Description: See attached list of variance relief requested

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

E. DESCRIPTION OF PROPERTY

Existing Use of the Property Medical office building

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

As set forth more fully on the Attachment, Phase I proposes modifications to the existing building facade (including addition of a canopy) as well as reconfiguration of the parking area. Phase II proposes the construction of additional parking spaces along with ancillary improvements.

The property is 212,742 (square feet); 4.88 (acres)
Impervious Surface Coverage: Present: 59.3%; Proposed: 60.4% (81.3% effective) (Phase I); 70.1% (94.4% effective) (Phase II)
Building Coverage: Present: 11.3%; Proposed: 11.5% (Phase I and II)

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

F. EXPERTS

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

APPLICANT'S ATTORNEY: Lisa A. John-Basta, Esq., Chiesa Shahinian & Giantomasi PC

Telephone Number: (973) 530-2083 Email: ljohn-basta@csglaw.com

Address: One Boland Drive, West Orange, New Jersey 07052

APPLICANT'S ENGINEER: Robert J. Colucco PE, Dynamic Engineering

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

Address: 245 Main Street, Suite 110, Chester, New Jersey 07930

APPLICANT'S ARCHITECT: Lance Blake, R.A., A.I.A., LEED AP, Rotwein + Blake

Telephone Number: (973) 740-9755 Email: rblake@rb-arch.com

Address: 16 Microlab Road, Suite B, Livingston, New Jersey 07039

APPLICANT'S PLANNER: _____

Telephone Number: () _____ Email: _____

Address: _____

OTHER EXPERT(S): Craig Peregoy, PE, Dynamic Traffic, LLC

Telephone Number: (732) 681-0760 Email: cperegoy@dynamictraffic.com

Address: 245 Main Street, Suite 110, Chester, New Jersey 07930

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

G. REQUIREMENTS FOR VARIANCES

- 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. **See attached**
- 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
Site Plans	R. Colucco, Dynamic Engineering	January 24, 2022
Architectural Plans	L. Blake, Rotwein + Blake	August 5, 2021
Traffic Impact & Parking Assessment	C. Peregoy, Dynamic Engineering	Last Revised September 22, 2021
Tree Removal Report with Exhibits	M. Roller, Dynamic Engineering	January 2022
Stormwater Management Report	Dynamic Engineering	January 2022
Stormwater Management Operations and Maintenance Manuals (Phase I and Phase II)	Dynamic Engineering	January 2022

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: _____

On behalf of Altera 769, LLC

Date: _____

1/20/2022

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 statute time limit, the applicant grants permission for such an extension.

Applicant's Signature: _____

On behalf of Altera 769, LLC

Date: _____

1/20/2022

OWNER'S AUTHORIZATION - MUST BE SIGNED

On behalf of Altera 769, LLC, I hereby certify that I reside at 5910 N. Central Expressway, Suite 1360, Dallas

in the County of Dallas and the State of Texas;

and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 166.15;

Lot(s) 9 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: _____

On behalf of Altera 769, LLC

Date: _____

1/20/2022

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.

**TOWNSHIP OF WEST ORANGE
APPLICATION ATTACHMENT**

ALTERA 769, LLC

D. Specific Sections of the Ordinance for which variance relief is sought:

Phase I – Preliminary and Final Site Plan Approval		
Section	Proposed	Description
Section 25-7.1 Part B	60.4%; 81.3% effective (59.3% existing)	Max. permitted lot coverage in the OB-1 District is 50%
25-27.4.b(4)	Applicant proposes to remove trees on a slope exceeding 15%	Cut down or remove any tree on a slope of 15% or greater in grade or on a slope where vegetation is presently stabilizing soils where a tree removal permit is submitted in connection with a development application, or a parcel upon which a new development is contemplated.
25-28.8.c	Applicant proposes disturbance of 20.1% of the slope area of slopes in excess of 25% and disturbance of 23.5% of the slope area of 20-25% slope	Disturbances of slopes of 25% or more is prohibited. Maximum disturbance area permitted is 20% for slope area of 20-25% slope.
25-28.8.f(11) and 25-8.4(c)	Proposed retaining wall to exceed 4 feet.	Retaining walls will comply with the applicable wall height requirements for the zone in which the property is located. All retaining walls greater than four feet in height shall require a variance and certification by a professional engineer that the wall was constructed in accordance with approved plans.
25-14.1c	Applicant proposes installation of light poles approximately 25 feet tall	Light poles shall not exceed a height of 18 feet above normal grade in the vicinity of the light fixture.
25-14.1d	Applicant proposes illumination greater than 0.3 of a footcandle & 0.5 of a footcandle at property lines (2.1 fc	The level of illumination at ground level shall not exceed 0.5 of a footcandle at the property line, nor 0.3 of a footcandle at any property line abutting a property used by or zoned for residential use.

	proposed at residential property line(s); 1.8 fc proposed at other property line(s))	
25-14.3	Illumination less than 1.5 of a footcandle within parking areas (1.0 fc proposed)	Minimum level of illumination within parking areas in the OB-1 zone: 1.5 footcandles required
25-15.3(c)(1)(g)	Freestanding sign width greater than 6' (7' proposed)	Maximum width of freestanding sign on a property with a minimum lot frontage of 100': 6' (including supporting structure)

Phase II – Preliminary Site Plan Approval		
Section	Proposed	Description
Section 25-7.1 Part B	70.1%; 94.4% effective proposed (60.4% 81.3% effective (Phase I);	Max. permitted lot coverage in the OB-1 District is 50%
25-27.4.b(4)	Applicant proposes to remove trees on a slope exceeding 15%	Cut down or remove any tree on a slope of 15% or greater in grade or on a slope where vegetation is presently stabilizing soils where a tree removal permit is submitted in connection with a development application, or a parcel upon which a new development is contemplated.
25-28.8.c	Applicant proposes disturbance of 35.2% of the slope area of slopes in excess of 25% and disturbance of 39.7% of the slope area of 20-25% slope	Disturbances of slopes of 25% or more is prohibited. Maximum disturbance area permitted is 20% for slope areas of 20-25% slope.
25-28.8.f(11)	Proposed retaining wall to exceed 7 feet.	Retaining walls will comply with the applicable wall height requirements for the zone in which the property is located. All retaining walls greater than four feet in height shall require a variance and certification by a professional engineer that the wall was constructed in accordance with approved plans.

25-14.1c	Applicant proposes light poles approximately 25 feet tall	Light poles shall not exceed a height of 18 feet above normal grade in the vicinity of the light fixture.
25-14.1d	Applicant proposes illumination greater than 0.3 of a footcandle & 0.5 of a footcandle at property lines (2.1 fc proposed at residential property line(s); 1.8 fc proposed at other property line(s))	The level of illumination at ground level shall not exceed 0.5 of a footcandle at the property line, nor 0.3 of a footcandle at any property line abutting a property used by or zoned for residential use.
25-14.3	Illumination less than 1.5 of a footcandle within parking areas (1.0 fc proposed)	Minimum level of illumination within parking areas in the OB-1 zone: 1.5 footcandles required

G. Proposal and Reasons for Relief

A. Proposal

The Applicant, Altera 769, LLC (the "Applicant") is the owner of the property located at 769 Northfield Avenue, and designated as Block 166.15, Lot 9 on the tax maps of the Township of West Orange (the "Property"). The Property is located within the Township of West Orange's OB-1 Zone and is improved with an existing 67,803 square foot, 3 story medical office building. The Applicant is seeking site plan approval, along with variance relief, in connection with two-phased development project on the Property.

The Phase I development is proposed to consist of upgrades to the existing building façade along with the addition of a canopy at the building's entrance. Additionally, the Applicant proposes to reconfigure and improve the existing parking area on-site, including the construction of additional sidewalks and striping, in order to allow for improved site circulation and more efficient vehicular access, as well as compliance with ADA accessibility standards. Phase II of the development is proposed to consist of the construction of 54 additional parking spaces for a total of 282 spaces and is dependent on future tenant needs. In connection with the proposed improvements, and as set forth more fully above (see Section D), the Applicant seeks variance relief with regard to maximum lot coverage, the disturbance of trees on slopes in excess of 15%, the disturbance of soil on slopes in excess of 25%, the disturbance of greater than 20% of slope areas of 20-25%, to permit the height of the retaining wall on site to exceed four feet, to permit a light pole height in excess of 18 feet, and to permit a free standing sign width in excess of 6 feet, and with regard to illumination in parking areas and at the property lines.

B. Reasons for Relief

The Applicant respectfully submits that its proposed improvements will advance the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2, including: (a) to promote the public health, safety, morals and welfare; (c) to provide adequate light, air, and open space; (g) to provide sufficient space in appropriate locations for a variety of uses in order to meet the needs of all New Jersey citizens; (h) to encourage the location and design of transportation rights which will promote the free flow of traffic by allowing for more efficient and improved site circulation; and (i) to promote a desirable visual environment through the façade upgrades and addition of the canopy.

The Applicant also respectfully submits that its proposed improvements will not be substantially detrimental to the public good and will not substantially impair the intent of the zoning plan or zoning ordinance. The Applicant reserves the right to provide additional testimony in furtherance of the requested variance relief at the public hearing on this matter.