

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
9. Ordinance 2436-15 Amending Chapter 25, Sections 4, 51.6, 51.7, 51.8, 51.9, 51.10, & 51.15 (Revision of Various Zoning Ordinances)
Adopted 2/10/2015
10. Ordinance 2448-15 Amending Chapter 25, Section 51.16
Adopted 5/12/2015
11. Ordinance 2464-15 Amending Chapter 25, Sections 8.4, 9.9, 9.10, & 11.10 & Chapter 32, Section 3 (Revision of Various Zoning Ordinances)
Adopted October 27, 2015

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.
Due to Covid-19 – 5 Paper Copies + 1 Digital
- ! emailed to PlanningBoard@westorange.org
and/or ZoningBoard@westorange.org
- ! 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.

Pursuant to Municipal Land Use Law, N.J.S.A. 40:55D-10(f), a verbatim recording of the proceedings shall be made. The Planning Board or Zoning Board of Adjustment shall furnish duplicate recording upon request from any interested party at the requesting party's expense which shall not exceed the actual cost of preparation. All transcripts which may be prepared from any such recording, whether prepared at the request of the Board or an interested party, shall be transcribed by a licensed New Jersey Court Reporter and certified in writing to be accurate.

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: Monarch Development Group JV LLC C/O Michael Glynn
(Last) (First)
Mailing Address: 1359 Hooksett Rd. Hooksett NH, 03106
(Street) (City) (State) (Zip)
Telephone Number: (917) 596-9391 Email: mglynn@monarchcommunities.com

Is the Applicant an: ☐ Individual, ☐ Corporation, ☐ Partnership, ☒ Other Limited Liability Company

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 Exhibit A)

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. (See Exhibit B)

B. PROPERTY OWNER INFORMATION

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

Owner's Name: Mayfair Farms Holding Corp.
Address: 481 Eagle Rock Avenue West Orange New Jersey 07052-3600
Telephone Number: (973) 886-1305 Email: Mhorn@mayfairfarms.com

C. PROPERTY INFORMATION

Street Address: 481 Eagle Rock Avenue
Block Number(s): 152.01; Lot Number(s): 1445.01;
Tax Plate: Map 79; Zone of Property: B-2
The location of the property is approximately 25 feet from the intersection of Eagle Rock Ave
and Robertson Road (closest intersection.)

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

☐ Yes, Date(s): _____; ☒ No (None Known)

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 (None Known)

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". If "D" variance is approved, applicant will apply for site plan and subdivision approval separately.
- 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 Exhibit C)

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

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.)

To subdivide the existing property to be the site of the existing Mayfair Farms on one lot and to create a second lot for the construction of a multi-level senior housing facility.

The property is 476,210 (square feet); 10.93 (acres)

Impervious Surface Coverage: Present: 38.3%; Proposed: Lot A 57.1% and Lot B <60%

Building Coverage: Present: 6%; Proposed: Lot A 11% and Lot B 24%

Is the property located:

- | | | |
|--|---|--|
| Within 200 feet of another municipality? | ☐ Yes | ☒ No |
| Adjacent to an existing or proposed county road? | ☒ Yes | ☐ No (Eagle Rock Ave) |
| 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: Antimo A. Del Vecchio Esq.

Telephone Number: (201) 799-2107 Email: adelvecchio@beattielaw.com

Address: 200 Market Street Suite 401, Montvale, New Jersey 07645

APPLICANT'S ENGINEER: Bohler Engineering

Telephone Number: (856) 930-4000 Email: bbohler@bohlereng.com

Address: 10000 Atlantic Drive, Suite 401 Mount Laurel, New Jersey 08054

APPLICANT'S ARCHITECT: Erik Anderson

Telephone Number: (608) 623-8811 Email: eanderson@jalarcheng.com

Address: James A. Loft Architect, Inc. PO Box 4430, Manchester NH 03108

APPLICANT'S PLANNER: To be determined

Telephone Number: () _____ Email: _____

Address: _____

OTHER EXPERT(S): Bohler Engineering

Telephone Number: (856) 930-4000 Email: bbohler@bohlereng.com

Address: 10000 Midatlantic Drive, Suite 410W Mount Laurel, NJ 08054

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 Exhibit D)
- 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). (See Exhibit E)
- 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. (See Exhibit F)

ITEM	SIGNED BY	DATE/REVISION
Cover Sheet	A Tamous	2/01/2022
Site Layout Plan	A Tamous	2/01/2022
Preliminary Grading Plan	A Tamous	2/01/2022
Landscape Plan	A Tamous	2/01/2022

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.

Monarch Communities LLC

Applicant's Signature: By: Michael Flynn Date: 2/7/2022

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. For a period not to exceed 30 days.

Monarch Communities LLC

Applicant's Signature: By: Michael Flynn Date: 2/7/2022

OWNER'S AUTHORIZATION – MUST BE SIGNED

I hereby certify that I reside at (own) 481 Eagle Rock Avenue
in the County of Essex and the State of New Jersey;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 152.01
Lot(s) 1445.01 on the Tax Map of 79 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.

Mayfair Farms Holding Corp.

Owner's Signature: By: Michael Flynn Date: 2/8/2022

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.

**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:

Due to Covid-19

5 Paper Copies + 1 Digital emailed to
PlanningBoard@westorange.org
and/or ZonningBoard@westorange.org

- ✓ **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).
- X ✓ **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). Applicant requests waiver.
- ✓ **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). (See Cover Sheet)
- ✓ **Application fee** (non-refundable) also a **Digitizing Fee**.
- X ✓ **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). Applicant requests waiver.
- X ✓ **Height dimensions** to be included on all elevations, **20 Total** (original and 19 copies). Applicant requests waiver.
- X ✓ **All plans and documents** for West Orange COAH requirements. **Applicant requests waiver; will be provided as condition of approval.**
- X ✓ **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). **Applicant requests waiver.**
- ✓ **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.

**DEVELOPMENT APPLICATION
MONARCH COMMUNITIES, LLC
BLOCK 152.01 Lot 1445.01
481 EAGLE ROCK AVENUE TOWNSHIP OF
WEST ORANGE, NEW JERSEY**

**EXHIBIT A
CORPORATE INFORMATION**

Monarch Communities LLC's registered agent is:

Cogency Global Inc.
850 New Burton Road, Suite 201
Dover, DE 19904

Cogency Global Inc. is made up of 50% RAM HoldCo LLC (33.3% Michael Glynn; 33.3% Andrew Teeters and 33.3% Ross Dingman) and 50% Schleider & Stebbins Hotels LLC

**EXHIBIT B
AFFIDAVIT OF OWNER
PERMISSION TO PROCEED WITH PROCESS**

State of NJ

SS:

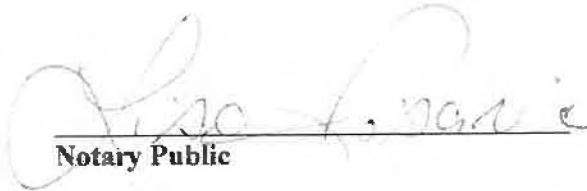
County of Morris

I, MARTIN L. HORN, of full age, having sworn, according to law on his oath, deposes and says that Mayfair Farms Holding Corp. is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Township of West Orange, known and designated as 481 Eagle Rock Avenue, also known as Block 152.01 and Lot 1445.01, and that he hereby consents and authorizes the applicant(s) to make the within application.

Mayfair Farm Holding Corp.

By: 

Subscribed and sworn to before me this 18th
day of February 2022


Notary Public

LISA ROSANIA
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires November 21, 2023

EXHIBIT C
LIST OF VARIANCES REQUESTED

Variance Required	Statutes	Description
Height Variance 35' allowed; 52.59' proposed	§25 Attachment 3 Bulk Standards N.J.S.A.40:55D-70(d)(6)	Proposed building is greater than 2 and ½ stories requiring a variance Height is also greater than an additional 10% of the allowed height
Principal Uses on the Property One (1) allowed, Two (2) proposed	§25-8.12 Principal Uses	Proposed use as a banquet hall and assisted living, which will be subdivided in the future
Use Proposed Congregate Care and Assisted Living	N.J.S.A40:55D-70(d)(1)	Not a permitted use in the B-2 zone
Use Continued use as a Banquet Hall	N.J.S.A40:55D-70(d)(1)	Not a permitted use in the B-2 zone
Parking Spaces – Banquet Hall 264 required; 98 proposed	§25-12.2b	Proposed parking does not meet the requirements
Maximum Sign Area 50 square feet allowed; 101.5 square feet proposed	§25-15.3.C.2.d	Proposed sign area is greater than permitted in the zone
Maximum Sign Width 6 feet allowed; 14 feet proposed	§25-15.3.C.2.d	Proposed sign width is greater than permitted in the zone
Buffer Strips in all Nonresidential Districts Aboveground stormwater management facility shall not be permitted in buffer strips.	§25-11.3d	Basin is proposed in buffer strip.
Limitations on Development in Steep Slope Area Table 1 & Disturbance of slope of 25% or more is prohibited.	§25-28.8	Project proposes to disturb slopes greater than 25% and also proposes to disturb above the allowable percentages for several slope ranges identified in Table 1.

* This application is being bifurcated and will be subject to another application for preliminary and final site plan approval, as well as subdivision approval, to subdivide the property, allowing each building to sit on its own lot.

EXHIBIT D
WRITTEN PROPOSAL

The Applicant is the contract purchaser of a portion of 481 Eagle Rock Avenue, more formally designated as Block 152.01, Lot 1445.01 (the "Property"). The Applicant has filed this application as part one of a bifurcated application requesting use variances approval to allow for a multilevel senior housing facility on the lot and for the continued use of Mayfair Farms on a separate lot. The multilevel senior housing facility will include a memory care component, assisted living component and congregate care component. If the "D" variances are approved, the applicant will file part two of this bifurcated application requesting subdivision and site plan approval.

EXHIBIT E
REASONS FOR RELIEF

Monarch is proposing to construct a Multilevel Senior Housing Facility, including memory care, assisted living and congregate care components, in the B-2 Zone, of the Township of West Orange. Monarch's proposed use and Mayfair Farms' present use are not permitted uses in this zone. This application involves a "D-1" use variance to permit the continued use of a portion of the property by Mayfair Farms and the rest of the property for a multi-level senior housing facility, where neither are permitted uses in the B-2 zone. This application also involves a "D-6" variance for the height of the structure, proposed to be 52.59 ft.

Initially, the applicant points out that the proposed senior housing facility, qualifies as an inherently beneficial use of the highest degree and accordingly, should be reviewed in the context of an inherently beneficial use. The Board's attention is directed to well-established case law in the cases of *Coventry Square v. Westwood*, 138 N.J. 285 (1994), *Randolph Town Center v. Randolph*, 324 N.J. Super 412 (App. Div. 1999), *Sica v. Wall Township*, 127 N.J. 152 (1992), *Grubbs v. Slothower*, 389 N.J. Super. 377 (App. Div. 2007), *Jayber, Inc. v. Township of West Orange*, 238 N.J. Super. 165 (App. Div. 1990), and *Blake Gardens, LLC v. New Jersey*, 417 F. Supp. 3d 493, 495 (D.N.J. 2019).

To the extent there are "c" variances or waivers associated with the use variances requested, the Applicant submits that they are subsumed in the review of the "D" variance under *Price v. Himeji*, 214 N.J. 263 (2013).

In addition to qualifying as an inherently beneficial use, after applying the balancing test required by *Sica*, the Applicant submits that there are not substantial detriments to the zone plan, zoning ordinance or neighborhood for which the project has been proposed, that are not

addressed by the applicant's proposed design and offering of the project. To the extent any additional concerns are identified by the Board, the Applicant is prepared to address those concerns in a reasonably appropriate manner.

Additionally, the Applicant submits that planning testimony will be produced at the time of the public hearings in this matter by the Applicant's planner. The above is intended as an outline and overview of the proposed proofs that will be discussed as part of the planner's testimony during the course of the public hearings. Accordingly, the Applicant reserves the right to further supplement and amend its proposed planning proofs during the testimony produced during the course of the hearings including but not limited to the testimony to be provided by the Applicant's planner.

EXHIBIT F

ADDITIONAL EXHIBIT SUBMISSIONS

Item	Signed By	Date/Revision
ALTA/NSPS Land Title Survey	James D. Sens	9/24/2021
Exhibit A – Corporate Information		None
Exhibit B – Affidavit of Owner	Martin Horn	2/18/2022
Exhibit C – Variances		None
Exhibit D – Written Proposal		None
Exhibit E – Reason for Relief		None
Exhibit G – Site Inspection	Martin Horn	None

EXHIBIT G
SITE INSPECTION

Block 152.01
Lot 1445.01
Map:79
481 Eagle Rock Avenue
West Orange, New Jersey 07052

Mayfair Farm Holding Corp. is the owner of the property referenced above. Mayfair Farm Holding Corp. on behalf of the contract purchaser, and applicant, does hereby grant permission for the next ninety (90) days for the duly appointed members of the Township of West Orange Zoning Board of Adjustment and its professional staff, upon twenty-four (24) hour prior notice to Mayfair Farm Holding Corp., to enter upon the above referenced property to visually observe the property solely in connection with the pending application(s) before the Zoning Board of Adjustment.

Prior notice seeking access to the property shall be given to Mayfair Farm Holding Corp. and Applicant's counsel whose contact information is provided below.

Any party making access to the properties does so at its own risk.

Mayfair Farm Holding Corp.

By:  *Scott Adams*

Contact Information for Owner

Mayfair Farm Holding Corp.
481 Eagle Rock Ave.
West Orange New Jersey, 07052
(973)886-1305

Contact Information of Counsel for Applicant

Antimo A. Del Vecchio, Esq.
Beattie Padovano
200 Market Street, Suite 401
Montvale, New Jersey 07645
(201)799-2107