



**Law Offices of
Richard Schkolnick, LLC**

75 Main Street, Suite 201
Millburn, NJ 07041

Rick@SchkolnickLaw.com
SchkolnickLaw.com

973-232-5061

September 29, 2022

Via E-mail and UPS Overnight (dchandler@westorange.org)

Diana Chandler, Board of Adjustment Secretary
Township of West Orange
66 Main Street
West Orange, NJ 07052

**RE: Application of 89 Ashland Avenue, LLC
87 and 89 Ashland Avenue
Block 61, Lots 44 & 45**

Dear Diana:

This Firm represents 89 Ashland Avenue, LLC ("Applicant"). In support of this application for preliminary and final site plan approval, and "c" and "d" variances, in order to construct a two-unit addition to the existing six-unit multifamily dwelling at the above location, enclosed please find six sets of the following:

1. Application to Township of West Orange Zoning Board of Adjustment.
2. Site Plan Checklist.
3. Verification of Taxes and Sewer Charged Paid, dated August 11, 2022.
4. Buffer Report (property owners list), dated May 6, 2022.
5. W-9 form.
6. Sustainability Checklist Form.
7. Planning Report, prepared by Marucci Engineering Associates, LLC, dated August 22, 2022.
8. Architectural Plans (two sheets), prepared by Inglese Architecture and Engineering, dated August 22, 2022.
9. Preliminary and Final Site Plan (including the boundary survey), prepared by Marucci Engineering Associates, LLC (6 sheets), dated August 15, 2022.
10. USB Stick (to be delivered under separate cover).

Please note that 87 Ashland Avenue (Lot 44) is owned by Frank S. Ench. 89 Ashland Avenue (Lot 45) is owned by 89 Ashland Avenue, LLC. Pursuant to N.J.S.A. 40:55D-48.1, Frank S. Ench is the sole person or entity with a 10% or greater interest in this LLC.

I have enclosed the application fee of \$850 (\$450 for preliminary/final + \$150 for "d" variance + \$250 for "c" variance). I have also enclosed \$750.00 representing the escrow fees for the two additional multifamily units.

The Applicant is submitting an electronic copy of this application and is therefore requesting a waiver of the digitizing fee. Please advise if any additional fees are required.

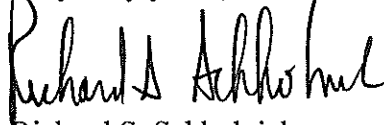
The property is located in the Township's I Industry zone. The Applicant proposes to add two residential units to the existing six unit structure (the existing units are all one bedroom units; the two proposed units are 3 bedrooms each). The Applicant thus requests preliminary and final site plan approval along with the following "c" and "d" variances:

1. "D-2" variance relief to expand the existing residential structure in a zone that does not permit residential use.
2. De minimis exception from the Residential Site Improvement Standards (15 parking spaces required; 6 spaces existing; 3 new spaces proposed for a total of 9 spaces proposed).
3. Maximum improvement coverage (75% permitted; 73% existing; 90.8% proposed).

We would ask that this matter be reviewed by the Site Plan Review Advisory Board at its next available meeting.

Thank you for consideration of this matter.

Very truly yours,



Richard S. Schkolnick

RSS/lp
Enclosures
Ench/ 89 Ashland Avenue, LLC

cc: Anthony Marucci, P.E., P.P. (via email only)

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

A. APPLICANT INFORMATION

Full Legal Name: 89 Ashland Avenue, LLC
(Last) (First)
Mailing Address: 16 Hilltop Circle, Whippany, NJ
(Street) (City) (State) (Zip)
Telephone Number: (973) 232-5061 (Attorney) Email: rick@schkolnicklaw.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.

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: As to lot 44: Frank S. Ench

Address: _____

Telephone Number: () _____ Email: _____

C. PROPERTY INFORMATION

Street Address: 87 and 89 Ashland Avenue

Block Number(s): 61; Lot Number(s): 44 & 45

Tax Plate: 41; Zone of Property: 1 - Industry

The location of the property is approximately 301 feet from the intersection of Ashland Avenue
_____ and Park Avenue (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 (to Applicant's knowledge)

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". *D(2) Expansion of a nonconforming use
- 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.

Section: 25-7.1 Max.; Proposed: 90.8%; Description: Permitted 75%

Section: Improved Coverage; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Waiver Section: RSIS Parking; Proposed: 15 spaces req'd; Description: 6 spaces exist; re-stripe for a total of nine (9) spaces

E. DESCRIPTION OF PROPERTY

Existing Use of the Property A six (6) unit apartment building

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

Proposal is to construct a building addition to accommodate two additional dwelling units.

The property is 9,220.7 (square feet); 0.21 acres (acres)

Impervious Surface Coverage: Present: 73%/6,730 sf; Proposed: 90.8%/8,376 sf

Building Coverage: Present: 14.8%/1,361 sf; Proposed: 33.8%/3,118 sf

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: Richard Schkolnick, Esq.

Telephone Number: (973) 232-5061 Email: rick@schkolnicklaw.com

Address: Law Offices of Richard Schkolnick, 75 Main Street, Suite 201, Millburn, NJ 07041

APPLICANT'S ENGINEER: Anthony Marucci - Marucci Engineering Associates, LLC

Telephone Number: (973) 887-3066 Email: anthony@marucciengineering.com

Address: P.O. Box 509, Cedar Knolls, NJ 07927

APPLICANT'S ARCHITECT: Joaquin Bouzas

Telephone Number: (201) 438-0081 X 104 Email: jbouzas@inglese-ae.com

Address: 632 Pompton Avenue, Cedar Grove, NJ 07009

APPLICANT'S PLANNER: Anthony Marucci-Marucci Engineering Associates, LLC

Telephone Number: (973) 887-3066 Email: anthony@marucciengineering.com

Address: P.O.Box 509, Cedar Knolls, NJ 07927

OTHER EXPERT(S): _____

Telephone Number: () _____ Email: _____

Address: _____

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 Planning Report
- 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 attached Planning Report
- 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
See cover letter		

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: Richard S. Scholnick, Attorney Date: 9/29/22
for Applicant

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: _____ Date: _____

OWNER'S AUTHORIZATION – MUST BE SIGNED

I hereby certify that I reside at 16 Hilltop Circle, Whippany
in the County of Morris 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) 61;
Lot(s) 44 & 45 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: Richard S. Scholnick, Attorney for Owners Date: 9/29/22
Frank S. Ench, Individually and on behalf of
89 Ashland Avenue, LLC

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

APPLICANT: **89 Ashland Ave, LLC**

Site Plan/Subdivision Checklist

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Minor Application		Major Application				COMPLETE	INCOMPLETE	WAIVER REQUESTED	
Item Number	Description		Subdivision	Site Plan	General Development 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	✓		

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Major Application						COMPLETE	INCOMPLETE	MANNER REQUESTED	
			Minor Application		General Development Plan	Subdivision		Site Plan				
			Subdivision	Site Plan		Preliminary	Final	Preliminary				Final
Item Number	Description											
12. <u>Item</u>	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. <u>Item</u>	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. <u>Item</u>	Affidavit of ownership. <u>Comment:</u> Map Filing Law for minor and major subdivision.	X	X	X	X	X	X	X	X	✓		
15. <u>Item</u>	Acreage of tract to the nearest tenth of an acre (for GDP-to nearest acre).		X	X	X	X	X	X	X	✓		
16. <u>Item</u>	Date of original and all revisions. <u>Comment:</u> Item necessary for continuity-history of project.		X	X	X	X	X	X	X	✓		
17. <u>Item</u>	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. <u>Item</u>	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. <u>Item</u>	All proposed lot lines and area of lots in square feet.		X	X		X	X	X	X	✓		
20. <u>Item</u>	Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X	X	X	X	X	X	X	X	✓		
21. <u>Item</u>	Any existing or proposed easement or land reserved for or dedicated to public use.	X	X	X	X	X	X	X	X	✓		
22. <u>Item</u>	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	✓		

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
23. Item:	List of required regulatory approvals or permits. <i>Comment:</i> Basic planning information. <i>e</i>		X	X	X		X		X	✓		
24. Item:	List of variances required or requested. <i>e</i> <i>Comment:</i> Basic planning information.		X	X		X	X	X	X	✓		
25. Item:	Requested or obtained design waivers or exceptions. <i>e</i> <i>Comment:</i> 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. Item:	Payment of application fees. <i>Comment:</i> Fee not imposed for pre-application conference.	X	X	X	X	X	X	X	X	✓		
27. Item:	Property owners and lines of all parcels within 200' identified on most recent tax map sheet. <i>Comment:</i> 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. Item:	All existing street, water courses, flood plains, wetlands or other environmentally sensitive areas on and within 200' of site. <i>Comment:</i> 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. Item:	Existing right-of-way and/or easements on and within 200' of tract. <i>Comment:</i> 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. Item:	Topographical features of subject property from U.S.G.S. map. <i>Comment:</i> More detailed topographic information is needed for major subdivision	X		X	X					✓		

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
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 34. 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			

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
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			

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.		Pre-Application - Concept Plan	Major Application						COMPLETE	INCOMPLETE	WAIVER REQUESTED	
			Minor Application		General Development Plan	Subdivision		Site Plan				
						Subdivision	Site Plan	Preliminary				Final
Item Number	Description		Subdivision	Site Plan		Preliminary	Final	Preliminary	Final			
46. <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 WCS, Orange COAH Ordinances.			X	X	X	X	X	X	X	✓		

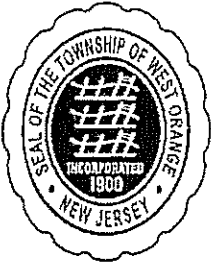
c. Proposed restrictions or covenants do not have to be included for pre-application-concept plan and GDI.

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

ALL DOCUMENTS MUST BE PREPARED, SIGNED AND SEALED BY NEW JERSEY LICENSED PROFESSIONAL.

REVISED: 8/30/05 aw

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TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

OFFICE OF THE TAX COLLECTOR

ROBERT D. PARISI
Mayor

Tel: (973) 325-4075
Fax: (973) 736-9182
Email: klongo@westorange.org
cwahlers@westorange.org

VERIFICATION OF TAXES & SEWER CHARGES PAID

DATE: 8/11/22

BLOCK: 61

LOT: 45 QUAL: _____

NAME: 89 Ashland Ave, LLC 70 Ench

ADDRESS: 89 Ashland Ave

TAXES PAID UNTIL: 10/31/22

2022 SEWER PAID IN FULL: ☒ YES ☐ NO

TOWNSHIP OF WEST ORANGE
TAX COLLECTOR
66 MAIN STREET
WEST ORANGE, NJ 07052
PHONE (973) 325-4075
FAX (973) 736-9182



AN EQUAL OPPORTUNITY EMPLOYER
www.westorange.org



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

OFFICE OF THE TAX COLLECTOR

ROBERT D. PARISI
Mayor

Tel: (973) 325-4075
Fax: (973) 736-9182
Email: klongo@westorange.org
cwahlers@westorange.org

VERIFICATION OF TAXES & SEWER CHARGES PAID

DATE: 8/11/22

BLOCK: 61

LOT: 45 QUAL: _____

NAME: 89 Ashland Ave, LLC 90 Ench

ADDRESS: 89 Ashland Ave

TAXES PAID UNTIL: 10/31/22

2022 SEWER PAID IN FULL: YES NO

TOWNSHIP OF WEST ORANGE
TAX COLLECTOR
66 MAIN STREET
WEST ORANGE, NJ 07052
PHONE (973) 325-4075
FAX (973) 736-9182



AN EQUAL OPPORTUNITY EMPLOYER
www.westorange.org

Buffer Report

THE TOWNSHIP OF WEST ORANGE

Office of the Assessor

66 Main Street

West Orange, New Jersey 07052

Telephone: (973) 325-4060

Facsimile: (973) 669-4859

Highlighted feature(s)

Subject Property(s) (2)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	61	44		87 ASHLAND AVENUE	ENCH, FRANK S. JR.	15 HILLTOP CIRCLE	WHIPPANY, NJ	07981
West Orange Township	61	45		89 ASHLAND AVENUE	89 ASHLAND AVENUE, LLC	89 ASHLAND AVENUE	WEST ORANGE, N.J.	07052

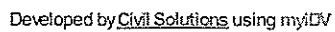
§

List of adjoining feature(s) that intersect 200 foot buffer from Subject Property(s).

Adjoining Properties (33)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	61	5		85-87 MAIN STREET	ALMI INVESTMENT LLC	28 BLOOMFIELD AVE ST. 301	PINE BROOK, NJ	07058
West Orange Township	61	13		89 MAIN STREET	RAHURAJ FAMILY LLC,	3 SHERWOOD COURT	LIVINGSTON, NJ	07039
West Orange Township	61	14		91 MAIN STREET	RAHURAJ FAMILY LLC,	3 SHERWOOD COURT	LIVINGSTON, NJ	07039
West Orange Township	61	15		95 MAIN STREET	RAJIYAH FAMILY LIMITED PARTNERSHIP	3 SHERWOOD COURT	LIVINGSTON, NJ	07039
West Orange Township	61	18		97 MAIN STREET	REICHERT, LOIS MARY	97 MAIN ST.	WEST ORANGE, NJ	07052
West Orange Township	61	19		101 MAIN STREET	EUTSEY, DERRICK	71 SOUTH ORANGE AVE #141	SOUTH ORANGE, NEW JERSEY	07079
West Orange Township	61	21		105 MAIN STREET	105 MAIN ST EQUITIES, LLC.	2-E BUCKINGHAM ROAD	WEST ORANGE, NJ	07052
West Orange Township	61	21.03		107 MAIN STREET	PADOVANO, MARGARET E	107 MAIN STREET	WEST ORANGE, N.J.	07052
West Orange Township	61	27		MAIN STREET & PARK AVENUE	TOWNSHIP OF WEST ORANGE	66 MAIN ST	WEST ORANGE, N.J.	07052
West Orange Township	61	39		77 ASHLAND AVENUE	77 ASHLAND HOLDINGS, LLC.	1113 NEW YORK AVENUE	UNION CITY, NJ	07087
West Orange Township	61	40		79 ASHLAND AVENUE	VANIKIOTIS, KOSTAS	43 DAVENPORT AVENUE	ROSELAND, N.J.	07068
West Orange Township	61	41		81 ASHLAND AVENUE	POLITI, KRISTINA M	81 ASHLAND AVENUE	WEST ORANGE, N.J.	07052

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	61	42		83 ASHLAND AVENUE	SPAT, LLC,	4 HEATHER DRIVE	LIVINGSTON, NJ	07039
West Orange Township	61	43		85 ASHLAND AVENUE	380 NORTH LLC,	702 PROSPECT AVE	WEST ORANGE, NJ	07052
West Orange Township	61	44		87 ASHLAND AVENUE	ENCH, FRANK S. JR.	15 HILLTOP CIRCLE	WHIPPANY, NJ	07981
West Orange Township	61	45		89 ASHLAND AVENUE	89 ASHLAND AVENUE, LLC	89 ASHLAND AVENUE	WEST ORANGE, N.J.	07052
West Orange Township	61	46		93 ASHLAND AVENUE	PISERCHIA, GUISEPPE & PASQUALE	221 EAST MCCLELLAN AVENUE	LIVINGSTON, N. J.	07039
West Orange Township	61	46.01		91 ASHLAND AVENUE	91 ASHLAND AVE LLC,	56 FRANKLIN AVE	WEST ORANGE, NJ	07052
West Orange Township	61	49		95 ASHLAND AVENUE	MASINI, PASQUALE & GRACE	120 MCKINLEY AVENUE	EAST HANOVER, NJ	07936
West Orange Township	61	52		105 ASHLAND AVENUE	CIAMPI, LOUIS V	20 YORKTOWN TERRACE	LIVINGSTON, N.J.	07039
West Orange Township	61	52.01		109 ASHLAND AVENUE	IMPERIAL PROPERTIES, LLC	109 ASHLAND AVE	WEST ORANGE NJ	07052
West Orange Township	61	52.02		107 ASHLAND AVENUE	NEGRINI, LEANDRO & KIARA	107 ASHLAND AVE	WEST ORANGE, NJ	07052
West Orange Township	62	1		5 WHITE STREET	CHABALA LLC,	6 BROOK WAY	WEST ORANGE, NJ	07052
West Orange Township	62	15		98 ASHLAND AVENUE	ENCH, FRANK III & CAMILLE	16 HILLTOP CIRCLE	WHIPPANY, NJ	07981
West Orange Township	62	16		96 ASHLAND AVENUE	DE SANTIS, CARMEN RISCO	96 ASHLAND AVE	WEST ORANGE, NJ	07052
West Orange Township	62	17		90-92 ASHLAND AVENUE	ENCH, FRANK	16 HILLTOP CIRCLE	WHIPPANY, NJ	07981
West Orange Township	62	19		88 ASHLAND AVENUE	MASINI, PASQUALE	120 MCKINLEY AVENUE	EAST HANOVER, NJ	07936
West Orange Township	62	20		86 ASHLAND AVENUE	ASHLAND PROPERTIES LLC	5 JENNIE COURT	CEDAR GROVE, NJ	07009
West Orange Township	62	21		84 ASHLAND AVENUE	ENCH, FRANK	84 ASHLAND AVENUE	WEST ORANGE, NEW JERSEY	07052
West Orange Township	62	22.01		76-82 ASHLAND AVENUE	ENCH, FRANK	69 ASHLAND AVENUE	WEST ORANGE N J	07052
West Orange Township	62	27		36 PARK AVENUE	MASINI, PASQUALE & JOSEPH A.	120 MCKINLEY AVENUE	EAST HANOVER, NJ	07936
West Orange Township	62	28		34 PARK AVENUE	MASINI, PASQUALE & GRACE	120 MCKINLEY AVENUE	EAST HANOVER, NJ	07936
West Orange Township	62	29		32 PARK AVENUE	MASINI, PASQUALE & GRACE	120 MCKINLEY AVENUE	EAST HANOVER, NJ	07936



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.

89 Ashland Avenue LLC

2 Business name/disregarded entity name, if different from above

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=S corporation, S=S corporation, P=Partnership):

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.

16 Hilltop Circle

Requester's name and address (optional)

6 City, state, and ZIP code

Whippany, NJ 07981

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

8 4 - 3 6 7 2 0 5 3

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

Frank J. Encel

Date *9-6-22*

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.

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:	Building addition not going for LEED accreditation	
List of Energy Star and WaterSense appliances, fixtures and construction techniques:	Project would propose LED/ Energy Star fixtures as well as Water Sense fixtures	
List of green and recycled building materials in new construction, renovation, and maintenance:	Low VOC paint and recycled carpet in bedrooms	
Waste Management Plan for recycling and or reuse of 60 percent of all construction and demolition of waste generated in projects larger than \$25,0000:	NA	
Use of any water efficient landscaping:	Yes - Refer to Landscaping Plan (Plant Schedule) on Engineering Site Plans	
Use of any on-site renewable energy systems such as: (i) Solar (ii) Wind (iii) Geothermal	NA	
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	NA	
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	Retention and Detention system - See civil plans	
A list of native and well adapted species used in landscaping to eliminate the need for fertilization and pesticides:	Yes - Refer to Landscaping Plan (Plant Schedule) on Engineering Site Plans	

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.

MARUCCI ENGINEERING ASSOCIATES, LLC
ENGINEERS • SURVEYORS • PLANNERS

~ Established 2001 ~

POST OFFICE BOX 509
CEDAR KNOLLS, NEW JERSEY 07927

PHONE (973) 887-3066
FAX (973) 887-3066

PLANNING REPORT

**87-89 ASHLAND AVENUE WEST ORANGE
ESSEX COUNTY NEW JERSEY
TAX MAP BLOCK 61 LOTS 44 & 45**

The subject property is located in the I – Industrial zone. The Industrial zone permits various uses, including offices, warehousing, wholesale business, auto service and repair, and machine shops.

The subject property is situated in the northwesterly side of Ashland Avenue, between White Street and Park Avenue.

Although the area is zoned industrial, the northwesterly side of Ashland Avenue is mostly residential in character.

EXISTING USE:

In the existing condition, the subject property consists of a three story residential building, with six (6) one – bedroom residential apartments.

Photograph No. 1 depicts the existing dwelling on the left, together with the accessory driveway between the subject property and the existing three story dwelling to the right.

PROPOSED USE:

In the proposed condition, the applicant proposes the construction of a three story addition, over the existing accessory driveway, for two (2) additional three-bedroom residential units.

Access to the rear parking area will be maintained under the proposed addition.

The rear accessory parking area will be improved with nine (9) parking spaces, including drainage and lighting improvements.

DISCUSSION

Residential use is not permitted in the I – Industrial zone. However, Ashland Avenue is predominantly residential in character, along the northwesterly side, between White Street and Park Avenue.

Photograph No. 2 indicates the predominant residential structures from the subject property, in a southerly direction towards White Street.

Photograph No. 3 indicates the predominant three story dwellings, beginning from the subject property's accessory driveway, in a northerly direction towards Park Avenue.

Photograph No. 4 shows the entrance driveway, between the subject property three story dwelling to the south, and the adjacent three story dwelling to the immediate north.

Photograph No. 5 shows the existing rear open area of the subject property.

POSITIVE CRITERIA

The I – Industrial zone permits uses as described above, namely, office, warehousing, wholesale business, auto service & repair, and machine shop.

The current residential use is considered existing, non-conforming, and the proposed addition will be considered an expansion of the non-conforming use.

A Class (D-2) Use Variance is required for an expansion of a non-conforming use.

The Zoning Board of Adjustment can grant the D-2 Use Variance pursuant to special reasons where the project is in character with the neighborhood, and the project carries out one or more of the purposes of zoning, and the site is particularly suitable for the proposed use.

Clearly, the subject property is in character with the surrounding area, as evidenced in the attached Photographs.

The site is particularly suitable for the proposed use as evidenced by the Photographs, with respect to the surrounding residential uses, in similar height, and in alignment with the existing buildings along Ashland Avenue.

Several other reasons to permit the expansion of the non-conforming use:

1. Permitted industrial uses will not fit into the existing character of the northwesterly side of Ashland Avenue.
2. The parking area will be improved with nine (9) parking spaces together with drainage improvements and lighting improvements.
3. The addition is designed aesthetically, maintaining the same residential character, similar height, and alignment along Ashland Avenue.
4. The site is located within walking distance to local neighborhood shopping and public transportation.

Several purposes of zoning are promoted, pursuant to the Municipal Land Use Law (MLUL).

- a). The promotion of public health, safety, morals and general welfare.
Additional rental apartments will contribute to the viability of the local neighborhood businesses.
- b). To secure safety from fire, flood, panic and other natural and manmade disasters.
New construction will require a fire sprinkler system for tenant safety.
- c). To provide adequate light, air and open space.
Addition will occupy the area between the two existing buildings, while retaining the access driveway and open space to the rear.
- e). To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons and neighborhoods.
- i). To promote a desirable visual environment through creative development techniques.
Positioning the addition along the existing front prevailing setback, as well as the similar height, will maintain the existing character of the area.

NEGATIVE CRITERIA

Relief can be granted with respect to the negative criteria, as follows:

- 1. Without substantial detriment to the public good.
The addition will be in character with the area with respect to its use, including the prevailing setback and the building height.
The additional residential tenants will contribute to the viability of local businesses.
- 2. Without substantially impairing the intent and purpose of the zone plan and zoning ordinance.
The addition is in character with the residential uses along Ashland Avenue.
Permitted Industrial uses would not be suitable for the subject property or be in character with the existing residential pattern along Ashland Avenue.

PARKING

As indicated in the photographs, a paved area exists on the right side and rear of the subject property. Existing parking spaces are not delineated.

Pursuant to Section 25-12.2, fifteen (15) parking spaces are required.
The application proposes nine (9) parking spaces, including one (1) van-accessible parking space.
The parking area will provide one parking space per residential apartment.

A Class (C) variance is required for the deficiency in the parking requirement.

The parking variance can be granted for the following reasons:

1. Public transportation is available within walking distance to White Street, Park Avenue and Main Street.
2. The trend of working from home has reduced the need for vehicles and related parking.

MAXIMUM LOT COVERAGE

A Class (C) variance is also required for exceeding the maximum permitted lot coverage. The Industrial zone requires a maximum permitted lot coverage of 75% while the application proposes a coverage of 90.8%.

The lot coverage is directly related to the need for parking, which contributes to the increase in impervious coverage.

The plan proposes a stormwater management system with underground infiltration of stormwater runoff.

The proposed drainage system offsets or otherwise compensates for the increase in lot coverage

CONCLUSION

The proposed addition of two residential apartments is in character with the area in terms of residential use, prevailing setback and building height.

The special reasons are consistent with the Municipal Land Use Law to allow the Zoning Board of Adjustment to grant the Use Variance, parking variance, and the maximum lot coverage variance.

The variances can be granted without any substantial detriment to the public good, and without substantially impairing the zone plan or the zoning ordinance.

Respectfully submitted,



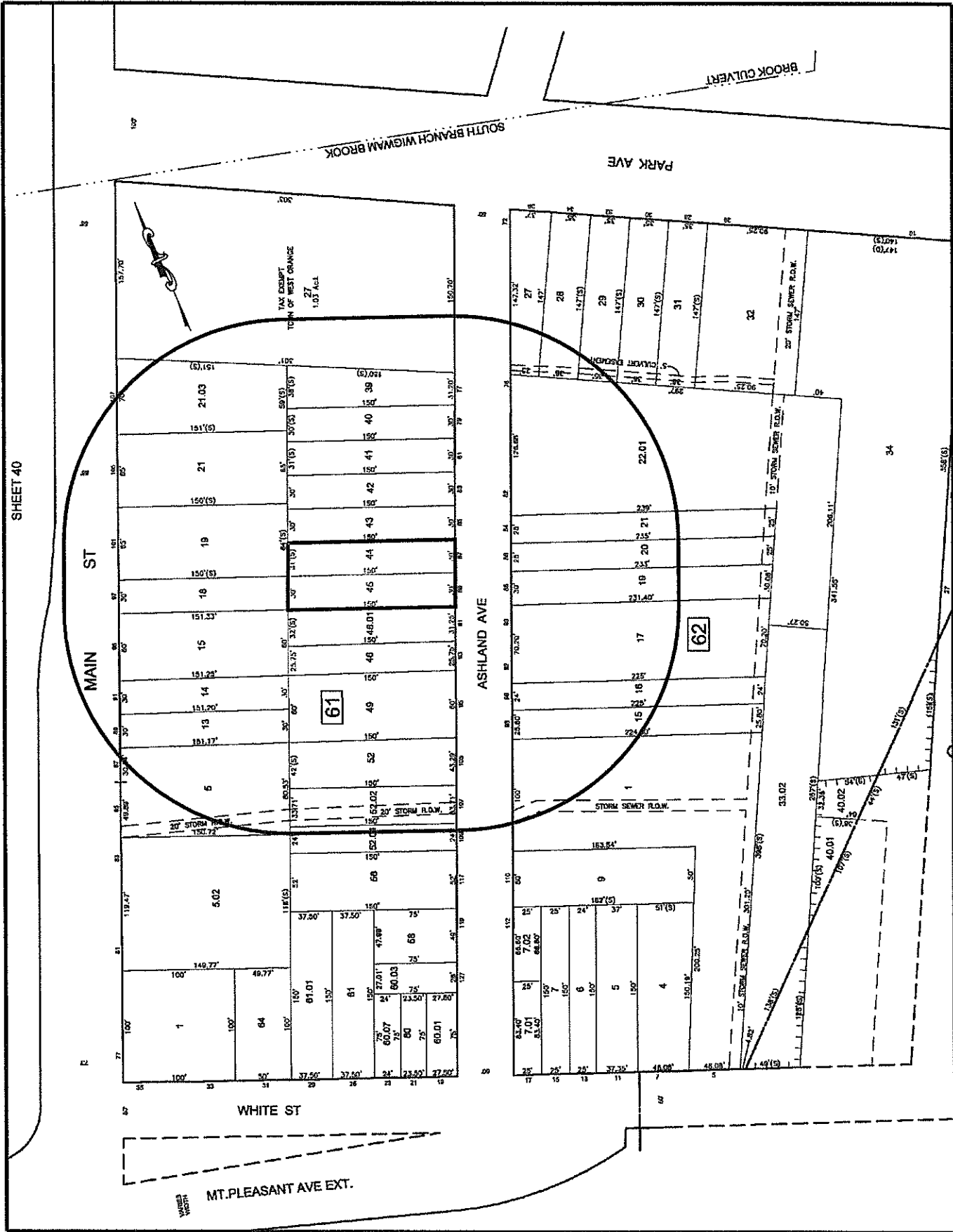
Anthony Marucci, PE-LS-PP
NJPP Lic. #33LI00212400

DATE: August 22, 2022

Reference: Site Plans prepared by Anthony Marucci, PE-LS-PP
Marucci Engineering Associates, LLC
Dated: August 15, 2022

Architectural Plans prepared by Inglese Architecture & Engineering
Dated: August 22, 2022





SITE LOCATION MAP

SCALE: 1" = 100'



Photograph No. 1



Photograph No. 2



Photograph No. 3



Photograph No. 4



Photograph No. 5