



TOWNSHIP OF WEST ORANGE

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

Department of Planning and Development

ROBERT D. PARISI
Mayor

Tel: (973) 325-4108
Fax: (973) 325-6359
Email: zoningboard@westorange.org

TO: Zoning Board Members

FROM: Paul Grygiel, AICP, PP, Planning Director

DATE: November 30, 2022

RE: **ZB-22-09 / 89 Ashland Avenue, LLC**
Block: 61; Lots: 44 & 45; Zone: I
87 and 89 Ashland Avenue
Seeking “c” and “d” variances for an addition to a multi-family residential building

INTRODUCTION

The applicant is proposing to construct a three-story addition to a six-unit multifamily residential building. The proposal would include two new dwelling units and upgrades to the parking area. A “d(2)” variance is required for the expansion of a nonconforming use. Certain “c” or bulk variances are also required, including for lot coverage and number of parking spaces.

LAND USE/CIRCULATION

The subject property consists of two tax lots with a combined area of 9,220.7 square feet (0.21 acres). The site has 60 feet of frontage on Ashland Avenue and is nearly rectangular, with lot depth of 150 feet. A three-story frame building containing six dwelling units is located on Lot 45, while Lot 44 is covered with asphalt pavement. The rear portion of the lots is used for commercial vehicle and equipment storage. Site photographs are included at the end of this memorandum.



AN EQUAL OPPORTUNITY EMPLOYER
www.westorange.org

The property is located on the west side of Ashland Avenue in the middle of the block between White Street and Park Avenue. A mix of land uses is located in the surrounding area, including multifamily residential, commercial, industrial, office, governmental and open space. There are residential uses abutting the subject property on both sides, as well as to the rear.

There is a sidewalk along the site's frontage. It is generally in good condition. Ashland Avenue is a one-way northbound street. There are multiple bus stops within a few blocks of the subject property on Main Street and Mount Pleasant Avenue.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Site Plan (7 sheets)	Anthony Marucci, P.E., P.L.S, P.P.	11/11/22
Architectural Plans (2 sheets)	John Inglese, A.I.A.	11/14/22
Planning Report	Anthony Marucci, P.E., P.L.S, P.P.	8/22/22

VARIANCES REQUIRED

<i>"d(2)" Variance</i>			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Permitted Use – expansion of nonconforming use	Various industrial, commercial and other nonresidential uses	Multifamily residential (6 units)	Multifamily residential (8 units)
<i>"c" Variances</i>			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Maximum lot coverage	75%	73.0%	90.8%
25-12.1 b Minimum curb setback from any fence, screening or structure	5 ft.	None	0 ft.
25-12.1 h.6. Minimum driveway width – two-way traffic	24 ft.	16 ft.	20 ft.
25-12.2 a.1. Minimum number of parking spaces	15 (1.8 spaces per 1BR x 6 units, 2.1 spaces per 3BR x 2 units)	6 unstriped per site plan, +/- 10 per Google Maps	9



PROPOSED DEVELOPMENT

The applicant is proposing to construct a three-story, two-unit residential building attached to an existing three-story, six-unit residential building. It would be constructed on Lot 44 and would abut the existing building. A driveway opening would be provided under the building to allow continued access to the rear of the property. The new building is proposed to contain two three-bedroom duplex units on the second and third floors. No changes are proposed to the existing building.

The 20-foot wide, two-way driveway under the new building will connect to a new parking lot on the rear portion of the property. It is proposed to have nine parking spaces, including one handicap space. Three of these spaces are proposed to be electric vehicle “make-ready” spaces. Trash and loading areas are provided adjacent to the northwest portion of the building. Sidewalks are proposed at the rear of the existing and new building, adjacent to the parking lot.

Landscaping is proposed along rear property line (18 Dwarf English Boxwood shrubs) and portions of the southwest side property line (11 Rocky Mountain juniper trees). Two light poles and a bollard light are proposed.

DISCUSSION/RECOMMENDATIONS

Variance Proofs

The subject property is located in the I Industrial zone district. As noted, multifamily residential is not a permitted use in the I zone. The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d(2) enables a board of adjustment to grant a variance to permit the expansion of a nonconforming use. An applicant for a “d” variance must comply with the requirements of the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d. A “d” variance may be granted only “in particular cases for special reasons.” The applicant’s planner indicates in the planning report that despite being in an industrial zone, the section of Ashland Avenue where the subject property is located is primarily residential in character.

In addition, the MLUL at N.J.S.A 40:55D-70c permits a board of adjustment to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a “d” variance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just the applicant or property owner.



For all of the above variances, the applicant must also address the “negative criteria,” and affirmatively demonstrate that each variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality.

Site Plan and Other Issues

At a meeting of the Township of West Orange Site Plan Review Advisory Board (SPRAB) held on October 11, 2022, the SPRAB reviewed the above application with the applicant’s principal, attorney, engineer and architect. The site plan and design issues that were discussed at this meeting, notably with regard to circulation and parking, have been addressed in the revised plans and supporting documentation, as summarized in a letter from the applicant’s engineer dated November 11, 2022.

The applicant should indicate whether any indoor and/or outdoor bicycle storage facilities are proposed.

It is noted there is no requirement for provision of affordable housing units, as the proposed development results in a net increase of fewer than five new dwelling units.





Front of existing building and driveway



Existing driveway and parking area



Rear stairs and yard of existing building



Rear views of property (top) and rear porch of existing building (bottom)