



TOWNSHIP OF WEST ORANGE

66 GREENWOOD AVENUE, 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-22-11/Mark Kibutu**
Block: 176.01; Lot: 33; Zone: R-6
46 Greenwood Avenue
Seeking variances for construction of a new one-family dwelling

INTRODUCTION/LAND USE

The applicant is proposing to construct a one-family home on a currently undeveloped property on the south side of Greenwood Avenue. Multiple "c" or bulk variances are required to permit the proposal.

The subject property consists of one tax lot that is 7,096 square feet (0.16 acres) in area. The lot is trapezoidal in shape, with 55 feet of frontage on Greenwood Avenue and side lot line depths of 129.79 feet. Currently the subject property is vacant, and includes steeply sloped areas. Site photographs are included at the end of this memorandum.

The property is located on the south side of Greenwood Avenue between Beechwood Terrace and Sherwood Place. The surrounding area is predominantly developed with single-family residences. Greenwood Avenue is a local street that is two lanes wide in front of the subject property.



AN EQUAL OPPORTUNITY EMPLOYER
www.westorange.org

SUBMISSIONS

ITEM

SIGNED BY

DATE/REVISION

Engineering Plans (5 sheets)
Architectural Plans (1 sheet)
Landscape and Lighting Plan

Frank J. Rotonda, PE, PP, CME
Mark Kibutu, A.I.A.
Frank J. Rotonda, PE, PP, CME

9/22/22
3/21/22
not dated

VARIANCES REQUIRED

SECTION/REQUIREMENT	PERMITTED /REQUIRED	PROPOSED
25-7.1 Minimum rear yard	30 ft.	29.5 ft.
25-7.1 Maximum building coverage ¹	35%	210% (33% ²)
25-7.1 Maximum lot coverage ¹	45%	387% (61% ²)
25-7.1 Minimum effective lot area	6,000 square feet	1,121.8 square feet
25-8.4a Fence height and type	4 feet, as long as not more than 50% solid	8 feet, more than 50% solid
25-8.4b Maximum fence height and location	6 feet, in rear yard up to rear line of dwelling	8 feet, forward of rear line of dwelling
25-28.8c Maximum disturbed area - slopes 25% or greater	0%	60%
25-28.8c Disturbance of slopes 25% or more	Prohibited	Proposed

PROPOSED DEVELOPMENT

The applicant is proposing to construct a one-family dwelling on the vacant subject property. The proposed building footprint is approximately 2,358 square feet. A two-car garage is proposed in the basement, along with four unlabeled rooms, a mud room, a boiler room, an electrical room and multiple storage areas. The first floor is proposed to include living and dining areas, as well as two bedrooms, two full bathrooms and a room labeled as a library. It is noted this room is the same size or larger than the bedroom located on the same hallway and contains

¹ Calculated using "effective lot area" per Section 25-28.8d

² Coverage figures in parentheses calculated using actual lot area



windows and a closet and thus could be considered another bedroom. The second floor includes a guest bedroom and bathroom, a play room and an outdoor deck.

An 18-foot wide driveway is proposed in front of the dwelling providing access to the garage. A retaining wall is proposed on the west side of the driveway. A total of three underground stormwater retention systems are proposed beneath the front and rear yards. Access to the rear yard is proposed by a walkway along the east side of the dwelling. An eight-foot high chain link fence with privacy slats is proposed on the east property line.

One Japanese Maple tree is proposed in the front yard. No other landscaping is shown on the plans. Two bollard light fixtures are proposed flanking the driveway, and two building-mounted lights are proposed.

DISCUSSION/RECOMMENDATIONS

The subject property is located in the R-6 residential zone district, in which the proposed use is permitted. However, certain variances from bulk standards and other regulations are required as listed above. The Municipal Land Use Law (MLUL) at N.J.S.A 40:55D-70c sets forth the statutory criteria for 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. A “c” variance applicant also must address the “negative criteria,” and affirmatively demonstrate that the 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. The applicant’s planner should provide testimony as to how the above variance proofs are addressed.

A number of the requested variances relate to the topography of the property. Testimony must be provided regarding the potential impacts of development on steep slopes and proposed mitigation measures.

Additional information must be provided regarding any proposed walls, including the type and height.

Sheet two of the engineering plans indicate ten trees are proposed to be removed, but does not indicate whether any replacement trees are required to be provided. The applicant must submit a tree removal application and plan.







