



TOWNSHIP OF WEST ORANGE

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Department of Planning and Development

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TO: Planning Board Members

FROM: Paul Grygiel, AICP, PP, Township Planner

DATE: August 29, 2022 – *revised January 25, 2023*

RE: **PB 22-08/Cummings**
Block: 80.03; Lots: 10 & 21; Zone: R-1
Ridge Road and Mount Pleasant Avenue
Preliminary and Final Minor Subdivision with Variance

The applicant has made modifications to the proposed plans after meeting with the Site Plan Review Advisory Board (SPRAB) on December 13, 2022. This memorandum supplements my original review memorandum dated August 29, 2022. New information is denoted in **bold**, deletions are shown in ~~strikethrough~~.

INTRODUCTION

The applicant is proposing to subdivide a currently undeveloped property at the intersection of Ridge Road and Mount Pleasant Avenue into four lots. The application includes requests for preliminary and final major subdivision and “c” variance approval.

LAND USE

The property is located in the R-1 zone and is currently vacant. Its total area is 552,878 square feet (12.7 acres). Ridge Road is developed with low-density single-family detached residential uses to the west, but there is also a mix of land uses in the surrounding area. These include the



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Goddard School daycare/preschool, office and commercial uses to the north along Mount Pleasant Avenue, multifamily residential to the east (Crestridge Apartments) and senior living/nursing care facilities to the west (Arden Courts and Brookdale West Orange) with Essex County Country Club further to the west.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
ALTA/NSPS Land Title Survey	James A. Conway, Jr., PLS	5/11/2022
Preliminary and Final Subdivision Plat	Robert P. Freud, PE, PP	1/13/2023
Planning Report	Robert P. Freud, PE, PP	1/18/2023
Environmental Impact Statement	Robert P. Freud, PE, PP	January 2023
Traffic Impact and Parking Assessment	Justin Taylor, PE, PTOE, LEED AP and Nick Verderese, PE, PTOE	8/5/2022

VARIANCES REQUIRED

SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED	VARIANCE
25-28.8b and c Disturbance of Steep Slopes 25% or greater	Not permitted	NA	1,463 3,640 square feet	"c"

PROPOSED DEVELOPMENT

The subject property is located on the south side of Mount Pleasant Avenue and the west side of Ridge Road a short distance to the east of Prospect Avenue. Ridge Road is not a public street. It is a 30-foot wide private drive. The subject property is currently vacant, with the exception of remnants of former development such as rock walls, fencing and a brick path. There are steep slopes on the site, particularly on the eastern portion of the property adjacent to a cliff face on the property to the east. The site has a grade change of 122 feet, with elevations ranging from 510 feet to 632 feet.

The applicant is proposing to subdivide the property into four lots, which would have the following lot areas:

- Lot 1: 118,714 square feet (2.73 acres)
- Lot 2: 99,559 square feet (2.28 acres)
- Lot 3: 169,390 square feet (3.89 acres)



- Lot 4: 165,215 square feet (3.79 acres)

Schematic layouts of dwellings and driveways are shown on each lot. A stormwater detention basin is shown on each lot. **In the original proposal, site improvements ~~are~~ were limited to the western portion of each lot, except for a storm sewer line leading from the basin on each lot into the eastern portion of each lot. Much of the eastern and northeastern portions of the site contain steep slopes and/or are within the required setbacks from property lines or the cliff face that runs along the boundary with Lot 36 to the east. The total area of disturbance on the property is 3.6 3.7 acres, according to the Environmental Impact Statement, meaning over 70 percent of the overall site will remain undisturbed.**

The revised proposal moves the location of the proposed houses further east, with aboveground basins on each lot between Ridge Road and the dwellings. This change would maintain wooded areas along Ridge Road but would result in driveway lengths of approximately 250 to 350 feet for each dwelling. Representative building footprints of approximately 2,400 square feet are shown on each lot, but are subject to change, which is permissible for a subdivision application. The applicant's engineer indicated at the SPRAB meeting that individual plot plans would be provided later.

A "limit of disturbance" is shown on the plans, which is the area in which dwellings, driveways, drainage facilities and other site improvements would be constructed. Stormwater drainage for three of the lots would be routed to the east of the dwellings where it would tie into an existing facility, with the fourth lot that has frontage on Mount Pleasant Avenue draining towards that street.

DISCUSSION/RECOMMENDATIONS

Zoning Compliance

The subject property is located in the R-1 Residential zone district. The proposed single-family residences are permitted in the zone. The proposed subdivision complies with all R-1 zone bulk standards. As noted, a variance is required for disturbance of steep slopes 25 percent or greater.

Variance Proofs

The Municipal Land Use Law (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. The applicant must also 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.

Issues

(Note: as listed in original review memo, followed by current status)

This application is classified as a “major subdivision” by the Land Use Regulations Ordinance.

Current status: no change.

The applicant’s name on the application form (William Cummings) is different than what is listed on a number of the submitted documents (SHI Builders). This should be clarified.

Current status: not addressed on all revised documents.

It appears from the subdivision plat that the only improvements proposed to Ridge Road is a strip along the eastern edge of the existing paved area, which is on the subject property. The applicant’s professionals should confirm this is the case, and discuss whether any other improvements to the existing road are warranted.

Current status: the subdivision plat has been amended to propose wider improved asphalt pavement along the site’s Ridge Road frontage.

The front yards setback lines for the four proposed lots are shown as measured from the existing property line, which is within the paved area of Ridge Road – meaning less than a 40 foot setback would be provided. It is noted a front yard in West Orange is measured from “the front street line of the lot and the front line of the nearest roofed portion of the building,” per the definition in the Land Use Regulations Ordinance. However, the definition of a “street line” in the Ordinance is “the dividing line between the street right-of-way and a lot, tract, or parcel of land which street line shall be no less than 25 feet from the center line of the street to right-of-way.” Therefore, the front yard setback may need to be measured from a distance further back from the edge of pavement.

Current status: this comment has been addressed.

There are bus stops on both sides of Mount Pleasant Avenue just west of Ridge Road. The applicant should provide testimony regarding the possibility of providing a sidewalk along the



street frontage, or other pedestrian safety improvements, given the site's proximity to these bus stops. It is noted there is also a pedestrian access point from the Brookdale at West Orange senior housing development on the opposite side of Ridge Road from the subject property.

Current status: this issue was discussed at the SPRAB meeting, where the applicant was asked to consider whether it would be possible to install a sidewalk or otherwise provide for safe pedestrian access along Ridge Road on the subject property to get to Mount Pleasant Avenue and bus stops on that street, with a design that is sensitive to the site's context (i.e. an existing wooded area on a low traffic private street). This comment has not been addressed on the revised plans.

Additional Issues

The applicant is requesting submission waivers from certain checklist items, as well as from providing a tree removal plan and tree expert's report (per Section 25-27.5 of Land Use Regulations Ordinance) and a planting plan and planting schedule (per Section 25-51.5). The Board should consider whether it would be appropriate to waive these items for preliminary approval, but to require their provision prior to final approval.

A related issue is the future protection of areas outside the limit of disturbance, particularly on the eastern end of the subject property. At the SPRAB meeting, the applicant was asked to consider whether a conservation easement for these areas would be possible. The applicant should provide testimony regarding this issue.

The applicant's engineer should also confirm whether adequate space for patios and other typical residential accessory structures has been provided for each dwelling within the limit of disturbance.

