



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 Planning Director

DATE: December 19, 2022 – *revised March 6, 2023*

RE: **PB 22-14/Crest Ridge Realty, LLC**
Block: 80.03; Lots: 36; Zone: R-G
200 Mount Pleasant Avenue
Amended Minor Site Plan and Variance Approvals

The applicant has filed a supplemental application to provide information regarding two previously constructed trash enclosures described below, as well as a revised site plan. This memorandum supplements my original review memorandum dated December 19, 2022. New information is denoted in **bold**, deletions are shown in ~~strikethrough~~.

INTRODUCTION

The applicant is proposing to construct a two-story accessory building in the interior of a property developed with a garden apartment complex. The application includes requests for minor site plan and “c” variance approvals, **as well as amended site plan approval for a two trash enclosures previously constructed per Building Department approval.**

LAND USE

The subject property is located on the west side of Mount Pleasant Avenue across from Bradley Terrace, Byrne Road and Gregory Avenue. The property is located in the R-G zone and is developed with a garden apartment complex, which includes a number of two- to three-story buildings and accessory uses. The overall property area is just over 12 acres. The present application is limited a portion of the interior of the site adjacent to the existing swimming pool in the northwest portion of the site. Photographs taken on December 16, 2022 showing the location of the proposed new building and other improvements are included at the end of this memorandum.

The surrounding area is developed primarily with single-family residential dwellings. Other uses in the vicinity include utility and recreation facilities, as well as office buildings and other nonresidential uses to the north along Mount Pleasant Avenue.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
ALTA Survey	Brad Joshnick, PLS	4/25/2022
Topographic Survey	Jeffrey S. Grunn, PLS	8/27/2022
Survey (Location of one trash enclosure)	Jeffrey S. Grunn, PLS	2/14/2023
Site Plan (5 sheets)	Paul W. Anderson, PE	2/17/2023
Architectural Plans (5 sheets)	Brent M. Porter, RA	11/3/2022

ZONING COMPLIANCE/VARIANCES REQUIRED

The subject property is located in the R-G Garden Apartment zone district. The existing lot and buildings comply with most bulk standards for the zone. Exceptions are for an existing nonconforming rear yard, which is not being changed by the proposal, and nonconforming lot coverage, which is proposed to be exacerbated.

SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED	VARIANCE
25-7.1 Maximum lot coverage	40%	42.6%	42.8%	“c”
25-8.1f Maximum height of accessory building in a residential zone	1 ½ stories/15 feet	1 story	2 stories/24 feet, 8 inches	“c”

The Land Use Regulations Ordinance does not define a “residential zone” as used in the above requirement for accessory building height. Therefore, I believe a conservative reading of this ordinance section would technically require a variance from this standard.

PROPOSED DEVELOPMENT

The applicant is proposing to construct a two-story accessory building adjacent to an existing pool house building. The portion of the site where the improvements are proposed is approximately 100 feet from the western property line and over 300 feet from Mount Pleasant Avenue. According to the architectural plans, the building would have a gross area of 992.86 square feet on the first floor and 1,242.44 square feet on the second floor. The first floor is proposed to include a “general area,” a kitchenette, a manager’s office and a bathroom. The second floor would include a workout room and two bathrooms/changing rooms.

Four access points are proposed for the building. Two of these would provide access to the pool deck, and the other two would connect to proposed new sidewalks outside the enclosed pool area. Three LED Wallpack light fixtures are proposed on the building. Two of these would be mounted at 15 feet and the other facing the pool would be mounted at 25 feet.

Proposed landscaping includes 18 Otto Luyken Cherry Laurel shrubs along two of the building's facades and one Yoshino Cherry tree. Two existing trees are proposed to be removed.

In addition, a survey and amended minor site plan have been provided to show the location of two existing trash enclosures abutting the driveway near the eastern border of the subject property. The application rider indicates they “were relocated in 2019 in full compliance and in accordance with the Township regulations and under the review of Township professionals.” However, due to subsequent questions regarding whether site plan approval should have been required at that time, a request has been made to show the location and design of these trash enclosures on a site plan for review by the Planning Board. These enclosures are located 48.0 feet to the northeast property line and 57.7 feet from the right-of-way line of Mount Pleasant Avenue at their closest points.

DISCUSSION/RECOMMENDATIONS

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.

The site plan zoning compliance table indicates a one-story accessory building is proposed. However, the architectural plans propose a two-story building. The site plan should be corrected. **This comment has not been addressed on the revised site plan.**





