

John R. Dusingberre, Esq., LLC  
Attorney at Law

Business: 973-227-1212  
Fax: 973-227-4099

155 Passaic Avenue, Suite 320  
Fairfield, New Jersey 07004

Cell: 973-477-8646  
E-mail: jdusingberre@jrdnjlaw.com

February 10, 2023  
Hand Delivered

Diana L. Chandler-Zimmermann, Secretary  
**Township of West Orange Zoning Board**  
66 Main Street  
West Orange, NJ 07052

**Re: Ciottariello - West Orange Zoning Board**  
606 Mt. Pleasant Avenue; Block 170, Lot 15.04

Dear Ms. Chandler-Zimmermann;

As you know, I represent the applicants in the above matter. Enclosed please find one (1) original and five (5) copies of the following:

1. Planner's Report from Peter G. Check dated February 9, 2023.
2. Statement of Taxes Paid from the Tax Collector dated January 31, 2023.

Please let me know if you require anything further.

Very truly yours,



John R. Dusingberre

JRD/jd

# Peter G. Steck

Community Planning Consultant  
80 Maplewood Avenue, Maplewood, New Jersey 07040  
(973) 762-6568  
[Steckplan@gmail.com](mailto:Steckplan@gmail.com)

## **PLANNING EVALUATION CREATIVE CONCEPTS LANDSCAPING**

606 MOUNT PLEASANT AVENUE, BLOCK 170, LOT 15.04  
TOWNSHIP OF WEST ORANGE  
ESSEX COUNTY, NEW JERSEY

*Prepared for:*

John R. Dusinberre, Esq.  
155 Passaic Avenue, Suite 320  
Fairfield, New Jersey 07004

*and*

Robert and Rachel Ciottariello  
Creative Concepts Landscaping, LLC  
2 Leeds Avenue  
Pine Brook, New Jersey 07058



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Peter G. Steck, P.P.  
N. J. Planner License No. 1776  
February 9, 2023

## INTRODUCTION

Creative Concepts Landscaping, LLC, owned by Robert and Rachel Ciottariello, is applying to the West Orange Board of Adjustment for permission to operate a landscaping contracting business at 606 Mt. Pleasant Avenue in West Orange without residing in the dwelling. The subject property is located in an R-2 Zone which does not permit contractor businesses. Although the property had been used for a landscaping business associated with the prior resident owner, the current owner and applicant wish to formally establish the nonresident landscaping use via a variance request. Intended is the storage of landscaping equipment and supplies in the rear of the property and renting the residential building as a single-family dwelling with occupants associated with Creative Concepts Landscaping, LLC.

This Planning Evaluation has been prepared on behalf of the applicant and owner. It concludes that the statutory criteria are present that warrant approval of the variance and site plan application.

**PLATE I**  
**LOCATON OF SUBJECT PROPERTY**



## DESCRIPTION OF THE SUBJECT PROPERTY

Lot 15.04 in Block 170 is an "L" shaped parcel located on the southwest side of Mt. Pleasant Avenue as shown on Plate I. The parcel has a street frontage of 50 feet on this county road and then widens to 160 feet toward the rear. The total land area is 27,338 square feet. The property is developed with a small cape cod style dwelling built in 1946 with the basement level exposed in the rear due to the drop in elevation of the land. To the rear of the dwelling is a paved parking area followed by a fenced area. The fence shields a gravel area and a garage building as shown in the photos below.

### PLATE II PHOTOS OF THE SUBJECT PROPERTY

View of subject dwelling looking southwest from Mt. Pleasant Avenue.



View of rear fenced area proposed for storage.

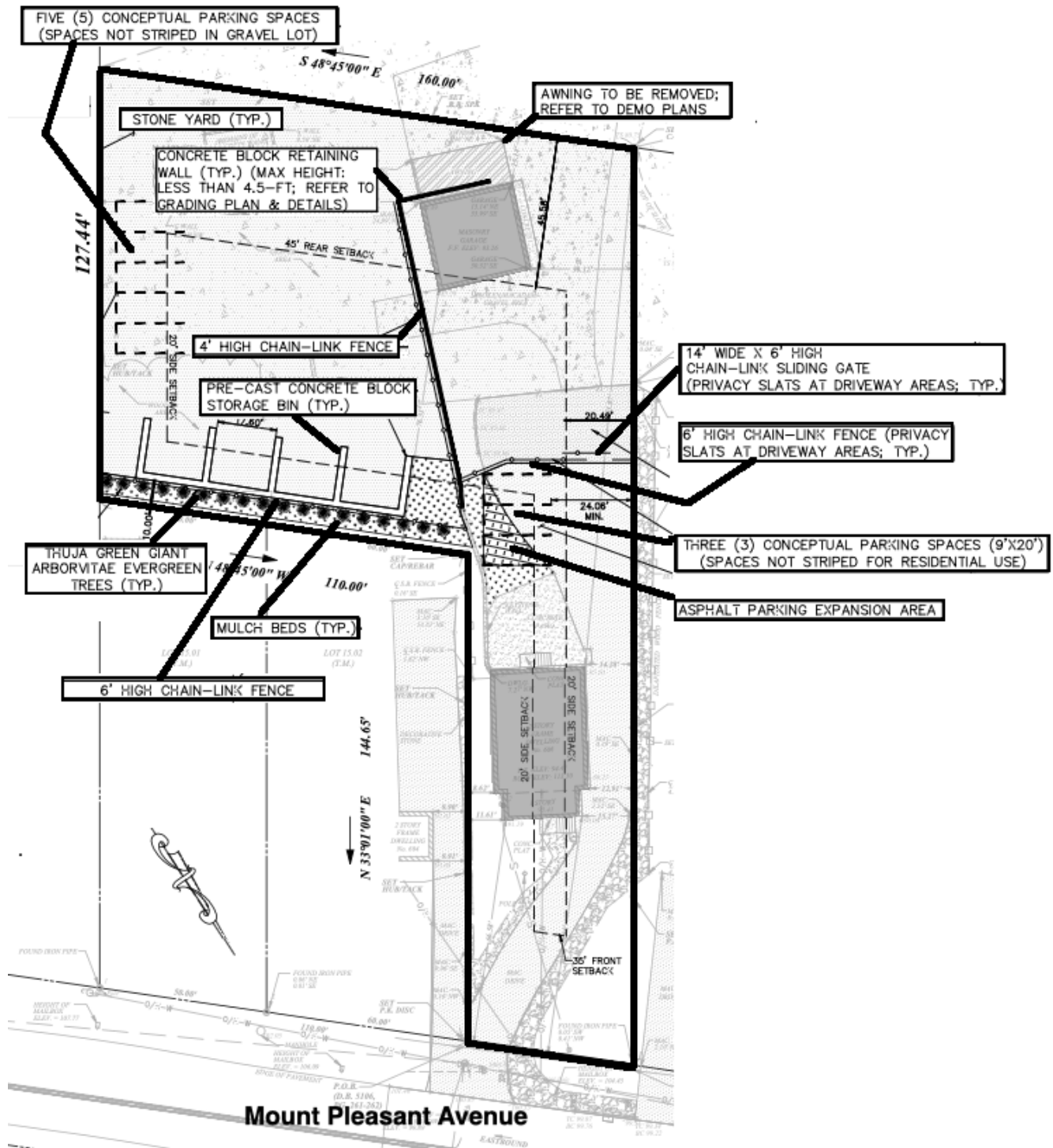


Photos taken by Peter Steck, P.P. on January 27, 2023

## DESCRIPTION OF THE APPLICATION

The applicant seeks to authorize by way of a Board of Adjustment use variance approval the storage of landscaping equipment and supplies behind the rear fenced area as shown on Plate III on the next page. The fencing is to be replaced and a landscape buffer is to be installed. The front residential building is to be rented for single-family use with occupants associated with the landscaping business.

PLATE III  
PROPOSED SITE PLAN



## DESCRIPTION OF THE SURROUNDING AREA

The subject property is located in the Mt. Pleasant Avenue corridor that contains a mixture of residential and non-residential uses. Mt. Pleasant Avenue is a county road without sidewalks that also accommodates New Jersey Transit Bus Route 71 running between Newark and West Caldwell with a bus stop in the immediate area.

As shown on Plate I, to the north and across Mt. Pleasant Avenue are single-family homes and further to the west is the Garden Academy, a private educational facility for children with developmental disabilities. To the east of the subject property are two single family dwellings followed by the West Orange Environmental Center which extends immediately to the rear of the subject property. The Environmental Center handles recyclables deposited by residents on all weekdays from 7:30 AM to 4:30 PM as well as on Saturdays from 7:30 AM to 4:00 PM. Its operations involve significant acreage as well as soil handling and trucking activities as depicted on Plate IV which shows an active front end loader and the mulching operation.

To the west of the subject property is a single-family dwelling followed by the Prospect Ridge Veterinary Hospital which was approved via a use variance. Further to the west is a cell tower on largely vacant lands owned by the Township of West Orange followed by the Liberty Middle School.

### PLATE IV VIEW OF THE ENVIRONMENTAL RECYLING CENTER IN OPERATION

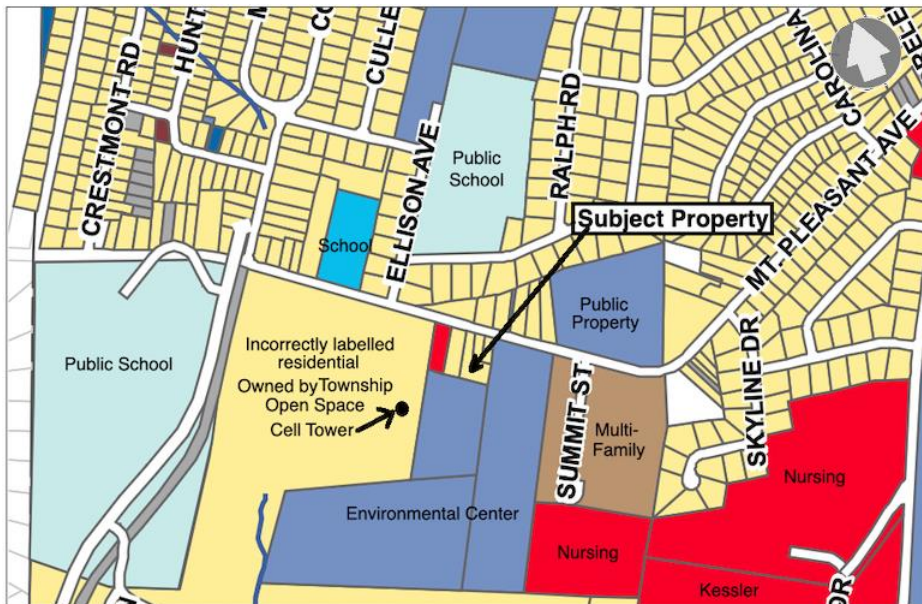


Photo taken by Peter Steck, P.P. on January 27, 2023

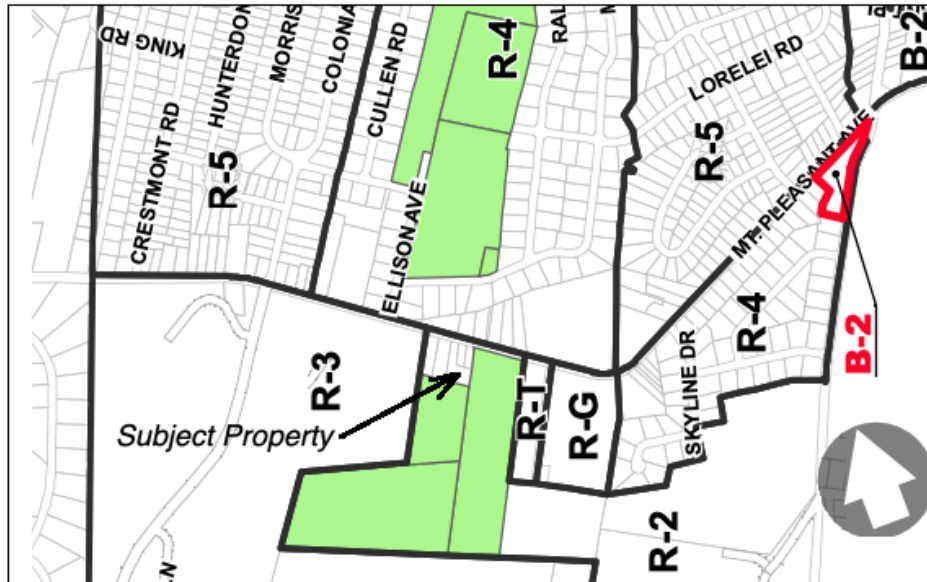
## MASTER PLAN CONSIDERATIONS

The West Orange Planning Board adopted a December 2019 Master Plan Update that also contained a reexamination report. This latest planning document contained an Existing Land Use Map on page 38 that is reproduced in part on Plate V. Notations are added to the map indicating that a large property west of the subject property was mistakenly categorized as residential whereas it is owned by the Township of West Orange and is largely vacant except for a cell tower. The 2019 Master Plan Update recommended an R-2 Zone for the subject property as shown on Plate VI.

**PLATE V**  
**EXISTING LAND USE MAP FROM 2019 MASTER PLAN UPDATE**



**PLATE VI**  
**RECOMMENDED ZONING FROM THE 2019 MASTER PLAN UPDATE**



## ZONING CONSIDERATIONS

The subject property is in an R-2 Single Family Residential Zone without a conservation overlay that permits detached dwellings, water utility facilities, governmental buildings, hospitals, golf courses and “Farm, nursery, greenhouse and similar uses” as shown in the table below. The dimensional standards in the R-2 Zone include a minimum lot size of 40,000 square feet and a minimum lot width of 125 feet as also shown below in the bulk standards table.

None of the five properties in the subject R-2 Zone (outside of the Conservation Overlay) conform to the standards of the R-2 Zone. The largest property in this isolated R-2 Zone is the subject property which at 27,338.25 sq. ft. is only 68% of the required minimum lot area.

**TABLE OF DISTRICT REGULATIONS  
PART A: PERMITTED USES TABLE OF DISTRICT REGULATIONS**

| <b>ZONE</b> | <b>PERMITTED PRINCIPAL USES</b>                                                                                                                                                                                      | <b>PERMITTED ACCESSORY USES</b>                                                                                                                                                                                                                                                                                                                                             | <b>PERMITTED CONDITIONAL USES</b>                                                                                                                                                                                             |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| R-1         | One family, detached dwelling<br>Water reservoir, well tower, filter bed<br>Federal, state, county or township building<br>Golf course and golf club house<br>Farm, nursery, greenhouse and similar uses<br>Hospital | Required accessory parking<br>Private garage<br>Horticultural or agricultural building<br>Customary accessory building or structure<br>Private swimming pool<br>Private recreation facility<br>Home occupation<br>Home professional office<br>Signs<br>Fences and dividing walls<br>Farm produce stand for produce grown on premises<br>Private storage shed<br>Greenhouses | Commercial recreation<br>Public school<br>Private school<br>Library<br>Museum<br>Park or playground<br>Public utility building or structure<br>Telephone exchange<br>Private club, other than a golf club<br>House of worship |
| R-2         | SAME AS R-1<br>AND in addition<br>Senior citizens housing project (Sen. C.H.) as defined in § 25-4                                                                                                                   | SAME AS R-1                                                                                                                                                                                                                                                                                                                                                                 | SAME AS R-1                                                                                                                                                                                                                   |

**TABLE OF DISTRICT REGULATIONS  
PART B: BULK STANDARDS**

| <b>ZONE</b> | <b>MAXIMUM HEIGHT</b>                                     | <b>MINIMUM LOT AREA (SQ. FT.)</b> | <b>MINIMUM LOT AREA PER UNIT (SQ. FT.)</b> | <b>MINIMUM LOT WIDTH (FT.)</b> | <b>MINIMUM FRONT YARD (FT.)</b> |
|-------------|-----------------------------------------------------------|-----------------------------------|--------------------------------------------|--------------------------------|---------------------------------|
| R-2         | SAME AS R-1<br>Sen. C.H. - 3 stories not to exceed 37'-8" | 40,000                            | 40,000<br>Sen. C.H. - 650 per unit         | 125<br>Sen. C.H. - 200         | 35<br>Sen. C.H. - 40            |

| <b>ZONE</b> | <b>MINIMUM SIDE YARDS (FT.)</b> | <b>MINIMUM REAR YARD (FT.)</b> | <b>MAXIMUM BUILDING COVERAGE</b> | <b>MAXIMUM LOT COVERAGE</b> | <b>MINIMUM SPACING BETWEEN BUILDINGS (FT.)</b> |
|-------------|---------------------------------|--------------------------------|----------------------------------|-----------------------------|------------------------------------------------|
| R-2         | 20 + 20<br>Sen. C.H. - 8 + 10   | 45<br>Sen. C.H. - 30           | 20%<br>Sen. C.H. - 25%           | 30%<br>Sen. C.H. - 70%      | Sen. C.H. - 35                                 |

Based on the provisions of the R-2 Zone, "d" variance relief is needed for the landscaping contractor use which is not permitted, for two principal uses on the lot, and for an increase in impervious coverage (along with the existing dimensional nonconformities, if required). The dimensional relief needed is shown on the zoning schedule on the submitted site plan as shown in Plate VII below:

**PLATE VII  
ZONING SCHEDULE FROM SITE PLAN**

| <b>ZONE DATA</b>                                                                   |                       |                         |                 |
|------------------------------------------------------------------------------------|-----------------------|-------------------------|-----------------|
| <b>ZONE: R-2 (ONE-FAMILY RESIDENTIAL ZONE DISTRICT)</b>                            |                       |                         |                 |
|                                                                                    | <u>REQUIRED</u>       | <u>EXISTING</u>         | <u>PROPOSED</u> |
| MIN. LOT AREA                                                                      | 40,000 SF             | 27,338.25 SF (EV)       | NO CHANGE       |
| MIN. LOT WIDTH                                                                     | 125 FT                | 49.48 FT (EV)           | NO CHANGE       |
| MIN. FRONT YARD                                                                    | 35 FT                 | 66.58 FT                | NO CHANGE       |
| MIN. SIDE YARD                                                                     | 20 FT                 | 12.91 FT (W) (EV)       | NO CHANGE       |
|                                                                                    |                       | 7.27 FT (E) (EV)        | NO CHANGE       |
| MIN. REAR YARD                                                                     | 45 FT                 | 153.87 FT               | NO CHANGE       |
| MAX. BLDG. HEIGHT                                                                  | 35 FT / 2-1/2 STORIES | 25.56 FT / 2 STORIES    | NO CHANGE       |
| MAX. BLDG. COVERAGE                                                                | 20%                   | 8.42 % (2,302.50 SF)    | NO CHANGE       |
| MAX. LOT COVERAGE                                                                  | 30%                   | 79.82% (EV)             | 87.46 % (PV)    |
| MIN. SPACE BETWEEN BLDGS.                                                          | 15 FT                 | 113.85 FT (DWLG TO GRG) | NO CHANGE       |
| MIN. SIDE YARD (ACCESSORY)                                                         | 20 FT                 | GRG: 76.31 FT (N)       | NO CHANGE       |
|                                                                                    |                       | GRG: 30.32 FT (W)       | NO CHANGE       |
|                                                                                    |                       | GRG: 94.99 FT (E)       | NO CHANGE       |
| MIN. REAR YARD (ACCESSORY)                                                         | 5 FT                  | GRG: 15.14 FT           | NO CHANGE       |
| <b><u>PARKING REQUIREMENT:</u> 2.5 SPACES PER 4-BEDROOM APARTMENT = 2.5 SPACES</b> |                       |                         |                 |
| <b><u>PARKING PROVIDED:</u> 3 STANDARD PARKING SPACES = 3 TOTAL PARKING SPACES</b> |                       |                         |                 |
| (EV) EXISTING VARIANCE (PV) PROPOSED VARIANCE                                      |                       |                         |                 |

**PLANNING CONCLUSIONS**

Upon review of the application and the West Orange Zoning Ordinance and Master Plan, it is concluded that special reasons are present and that the proposed use is particularly suited to the subject property. It is also concluded that, under the enhanced quality of proof standard, the application can be granted without substantial detriment to the public good and without substantial impairment to the zone plan and zoning ordinance. These conclusions are based on the following:

- 1. The proposed use encourages the most appropriate use of land and is particularly suited to the subject property.**

The existing land use pattern with its incidence of nonresidential uses along a well-travelled county road is a key factor in supporting the proposed use variance. To the east and south is the West Orange Environmental Center which has impacts not dissimilar to an industrial use because of the truck activity and mulch processing that generate significant noise. The operation also generates mulch dust that is deposited on the subject property when wind conditions are favorable. To the west is an adjacent single-family dwelling followed by a veterinary hospital approved by use variance. Further to the west is a cell tower on lands owned by the Township of West Orange.

Given the high degree of nonconformity in this portion of the R-2 Zone, the nature and location of land uses on the south side of Mt. Pleasant Avenue, the irregular shape of the property, and the similarity of the proposed landscaping storage use with the recycling center use as well as the permitted category of "...nursery, greenhouse and similar uses" in the R-2 Zone, it is concluded that the dual use of the subject property as residential in the front and a landscaping contractor in the rear encourages the most appropriate use of land and provides sufficient space in an appropriate location for this type of land use. Both of these are purposes of the Municipal Land Use Law (N.J.S.A.40:55D-2. a. and g.) and constitute special reasons supporting approval of the application. For the same reasons related to the surrounding land uses and the high degree of nonconformity, it is concluded that the proposed use is particularly suited to the subject property especially given the land use impacts of the West Orange Environmental Center.

Additionally, although the proposal involves two principal uses on the same lot (the landscaping contractor and the residential unit) the dwelling unit in the front is a permitted use and serves to effectively buffer the contractor storage use in the rear which cannot not be easily seen from Mt. Pleasant Avenue. Moreover, no signage is proposed to identify the rear use. The residential unit in the front also has the secondary benefit of helping to keep the property secure by having around-the-clock occupancy.

The dimensional nonconformities are mostly existing conditions. It is not practical to increase the lot frontage, lot size or side setbacks because the adjacent properties are already developed or owned by the Township of West Orange. An increase in impervious coverage is proposed from 79.82% to 87.46% to accommodate the landscaping storage aspects of the application. However, this increase is in the rear of the property and consequently is not apparent from the street and can be accommodated with the proper stormwater management.

**2. The negative criteria are fully satisfied.**

The application can be approved without substantial detriment to the public good and without substantial impairment of the zone plan and Zoning Ordinance based on the following observations:

- A. The site appears from the road frontage as a single-family residential property owing to the location of the contractor use in the rear, the significant drop in land elevation from the street, and the proposed fencing and landscaping.
- B. The landscaping contractor activities proposed are similar to the activities conducted on the abutting lands to the south that are owned and used by the Township of West Orange as a recycling center. Although the lands to the rear are in a Conservation Overlay Zone, the activities include the processing of vegetative materials, the transport of those materials, and hours of operation that run from 7:30 AM to 6:30 PM weekdays, closing slightly earlier on Saturdays.

- C. Landscaping contractor activities have been conducted on the property in the past without any significant adverse effects to the surrounding land uses. It is noted that a new dwelling has been constructed to the west and that the private residential properties in the area continue to be well maintained.
- D. The area along the south side of Mt. Pleasant Avenue is characterized by a significant number of non-residential uses despite the R-2 and R-3 zoning designations. The residential uses that exist in the R-2 Zone are all on lots nonconforming as to both width and area.
- E. Although the R-2 Zone is primarily a single-family zone, plant nurseries are one of the permitted uses. Such nurseries engage in activities that typically include some of the activities associated with the proposed landscaping contractor use.
- F. The Township has no zone that specifically allows contractor storage uses, although the I Industrial Zone does allow storage in general as a permitted use. However, the subject landscaping contractor use does not exhibit the typical land use impacts of an industrial use.
- G. The proposed landscaping contractor use is most active during the planting seasons and primarily during the daytime. It is less active during the winter season but does engage in activities such as snow plowing. The proposed daytime operational hours generally coincide with the hours of operation of the West Orange Environmental Center.
- H. The introduction of fencing, landscaping and storage bins as shown on the site plan minimizes any potential adverse impacts to the abutting residential uses.
- I. The most recent Master Plan Update mischaracterizes some of the existing land uses in the surrounding area. A more accurate assessment to the existing land use pattern reveals the isolated nature of the subject property and the high degree of nonconformity of the R-2 Zoned lots outside of the Conservation Overlay. This unique condition yields the conclusion that the application can be approved without substantial impairment of the Zone Plan and Zoning Ordinance.

End file:



# TOWNSHIP OF WEST ORANGE

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

## OFFICE OF THE TAX COLLECTOR

SUSAN McCARTNEY

*Mayor*

KATHY LONGO

*Tax Collector*

Tel: (973) 325-4075

Fax: (973) 736-9182

Email: [taxcollector@westorange.org](mailto:taxcollector@westorange.org)

### VERIFICATION OF TAXES & SEWER CHARGES PAID

DATE: 1/31/23

BLOCK: 170

LOT: 15.04 QUAL: —

NAME: Ciottariello Robert & Rac

ADDRESS: 606 Mt. Pleasant Ave

TAXES PAID UNTIL: April 30, 2023

2022 SEWER PAID IN FULL: ☒ YES ☐ NO

2023 SEWER NOT YET BILLED



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[www.westorange.org](http://www.westorange.org)