



TOWNSHIP OF WEST ORANGE

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

Department of Planning and Development

SUSAN MC CARTNEY

Mayor

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TO: Zoning Board Members

FROM: Paul Grygiel, AICP, PP, Township Planner

DATE: March 27, 2023

RE: **ZB-23-03/Penn**
Block: 86.05; Lot: 18; Zone: R-5
11 Highland Place
Request for interpretation whether electrolysis business qualifies as a “home occupation”

INTRODUCTION/LAND USE

The applicant is proposing to operate an electrolysis business in her home. The subject property is located on the west side of Highland Place to the north of Mount Pleasant Avenue. The lot is developed with a single-family home. There is an in-ground pool and paver patios in the rear yard of the property.

The subject property is located in an area primarily developed with single-family residences. Municipal tennis courts are located two lots to the south, and a multifamily residential development is also located in the vicinity to the northwest. Photos of the subject property are attached.

SUBMISSIONS

ITEM

SIGNED BY

DATE/REVISION

Application form and attachments

Danielle Penn

2/20/23, updated 3/23/23



AN EQUAL OPPORTUNITY EMPLOYER

www.westorange.org

Main level floor plan
Property survey

Not signed
David J. Von Steenburg

Not dated
7/13/21

VARIANCES REQUIRED

None at this time – see discussion below.

DISCUSSION/RECOMMENDATIONS

The applicant requires approval to utilize a portion of the existing dwelling for an office for her electrolysis business. The proposed office would encompass 375 square feet of the first floor of the dwelling and include a waiting room, a treatment room and a client bathroom. The office would be accessed by a door at the rear of the house. According to the submitted materials, the business would be owned and solely operated by the applicant/property owner. One client would be seen at a time. No signage is proposed.

The subject property is located in the R-5 zone, which permits one-family detached dwellings and other uses as principal uses. This and the Township's other residential zones permit both a "home occupation" and a "home professional office" as a permitted accessory use, both of which are subject to additional standards.

The Land Use Regulations Ordinance's definitions for each of these uses in Section 25-4 are as follows:

HOME OCCUPATION shall mean any lawful activity not otherwise prohibited by this chapter performed in a legal owner-occupied one-family residence, including without limitation, consulting, telemarketing, dressmaking, manicuring, craft making or drafting. Home cooking for commercial purposes is not permitted.

HOME PROFESSIONAL OFFICE

Shall mean the use of a single family residence owned and occupied by a person also for his or her professional office where clients or patients are seen in his or her practice of any one of medicine or a related health care profession, law, dentistry, architecture, engineering, psychiatry, psychology, chiropractics, actuary science, physical therapy, certified social work, or accounting.

The supplemental provisions applicable to each of these uses are as follows:

§ 25-9.9 Home Occupations.

No home occupation may be conducted in a legal owner-occupied one family residence unless the following conditions are met:



- a. A simplified site plan indicating the location of the use on the premises within the principal structure and written description of the occupation to be conducted shall be submitted to the Building Department and Zoning Official. A Certificate of Continued Occupancy, Certificate of Occupancy, or Certificate of Habitability shall be required for home occupations.
- b. The proposed activity shall comply with the following:
 1. Only one such activity shall be permitted on the premises within the principal structure; and such use must not be incompatible with or disturb the adjacent residential neighborhood.
 2. The activity shall be conducted solely by a person or persons, and members of his/her immediate family, all of whom shall be residing fulltime and permanently on the premises, and by no other person or persons living off the premises.
 3. Not more than 12.5% or 1/8 of the floor area of the principal structure shall be used for such activity.
 4. No display or advertising of products or services shall be visible from outside of the principal structure in which the activity takes place.
 5. No outside storage any way related to the activity shall be visible from outside of the principal structure in which the activity takes place.
 6. No pick-up or delivery of materials to or from the premises in which the activity takes place shall be made, except by private passenger vehicle, licensed package delivery service, or US Postal Service.
 7. The activity, including deliveries as described in Subsection 6, shall be conducted only between the hours of 8:00 a.m. and 8:00 p.m.
 8. The activity shall not give rise of the need for on-street parking which shall interfere with the residential parking on the street adjacent to the principal structure in which the activity is permitted.
- c. The following activities related to home occupations are prohibited:
 1. Any activity which creates noise, smells or sights, which are ascertainable outside of the principal structure in which the activity takes place;
 2. Any activity which causes interference with electrical or electronic equipment off the premises in which the activity takes place;
 3. A retail or wholesale salesroom(s) or showroom(s);
 4. Any activity which involves the use or storage of hazardous materials as defined by law.



§ 25-9.10 Home Professional Office.

A home professional office must meet the following conditions:

- a. The home must be located on one of the following streets or roadways: Pleasant Valley Way, Mount Pleasant Avenue, State Highway 10, Northfield Avenue, Main Street, Prospect Avenue, Gregory Avenue, Old Short Hills Road, Eagle Rock Avenue, Park Avenue, Washington Street, Harrison Avenue, Valley Road or South Valley Road.
- b. The professional use must be located on the entry level, and shall not occupy (i) more than 50% of the entry level and (ii) shall not exceed 1,000 square feet.
- c. A site plan indicating the part of the premises, with square footage, to be used shall be submitted to the Planning Board for approval. A Certificate of Continued Occupancy, or Certificate of Occupancy, shall be required. Amended site plan approval and a new Certificate shall be required for any change of the profession practiced on the premises.
- d. The applicant shall submit evidence that he or she has the degree, certificate or license of the profession for which the premises are to be used.
- e. Not more than three people, including the resident of the home and staff, can work in the professional activity on the premises.
- f. A sufficient number of spaces shall be provided for off-street parking for residents of the home and staff personnel.
- g. A name plate, not exceeding one square foot in area, may be used after obtaining a sign permit from the Planning Department. No interior illuminated lighting in the sign shall be permitted; and only the name of the professional and the profession shall appear on the sign which shall be within the property lines not more than five feet high, and shall be located within the property lines of the site. No signs shall be posted in windows.
- h. If a home is located on a corner lot, and one of the adjacent streets is listed in Subsection a, a home professional office, otherwise subject to the requirements of this ordinance is permitted.

An electrolysis business is not listed in the examples in the definition of a home occupation, nor in the types of office uses listed as permitted in the definition of a home professional office. The Board must determine which definition would apply to the proposed use of the subject property, based on the information provided by the applicant and the above regulations in the Land Use Regulations Ordinance.





