



TOWNSHIP OF WEST ORANGE

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

Department of Planning and Development

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TO: Zoning Board Members

FROM: Paul Grygiel, AICP, PP, Township Planner

DATE: May 15, 2023

RE: **ZB-23-05/Red Barn Dog OPS NJ LLC**
Block: 152.01; Lots: 1445 and 1445.05; Zone: P-C and R-5/IHO-1
235 Prospect Avenue
Seeking use variances and minor site plan approval for dog daycare facility

INTRODUCTION

The applicant is requesting approval for a “d(1)” use variance and minor site plan approval to utilize existing storefronts on the lower level of the West Orange Plaza shopping center as a dog daycare facility. Interior alterations are proposed along with modifications to building and site signage. No changes are proposed to the overall layout of the subject property.

LAND USE

The subject property is located in the P-C Planned Commercial zone and the R-5 Residential zone, although no improvements exist or are proposed for the portion of the site in the R-5 zone. The property is also located in the IHO-1 Inclusionary Housing Overlay zone, which was created by the Township in accordance with an ordinance adopted in October 2020.

The site is located in the northeastern portion of West Orange in an area developed with a mix of land uses. These include commercial, office, residential, open space and hotel uses. The property is bounded by Prospect Avenue on the east and by Eagle Rock Avenue on the south. The former



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Mayfair Farms catering facility is located directly to the west, and residential and vacant properties border the site to the north and west. Eagle Rock Reservation is located to the east across Prospect Avenue, and commercial uses are located to the south across Eagle Rock Avenue. Site photographs taken on May 12, 2023 are included at the end of this memorandum.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Floor plan (1 sheet)	(not signed)	(not dated)
Signage plans (6 sheets)	(not signed)	7/9/22
Planning memo	Alexander Dougherty, MCRP, PP, AICP	2/19/23

VARIANCES REQUIRED

<i>"d(1)" Variance</i>			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Permitted Use	Various retail and service commercial uses	Vacant commercial space	Dog daycare facility

DISCUSSION/RECOMMENDATIONS

Description of Proposal

The applicant proposes to locate a dog daycare facility in a portion of the lower level at the rear of the West Orange Shopping Center. Proposed modifications to the site are generally limited to the interior of the building and the storefront. As noted, some existing freestanding signage will be modified and building signage is proposed. No changes are proposed to the parking areas or overall site layout.

The interior of the space is

Variance Proofs

The P-C zone permits a range of retail and service commercial uses. However, a dog daycare facility is not expressly permitted nor does it fit within the categories of permitted uses. Therefore a use variance is required for the proposal.



The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d(1) enables a board of adjustment to grant a variance to permit “a use or principal structure in a district restricted against such use or principal structure.” An applicant for a “d” variance must comply with the requirements of the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d. A “d” variance may be granted only “in particular cases for special reasons.” 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 applicant’s planner has provided a memo addressing how he believes the statutory criteria have been met.

Issues for Consideration

The proposed use is one not considered in the West Orange Land Use Regulations Ordinance. As noted by the applicant’s planner, this use and similar ones (kennel, shelter, pet shop) are not listed as permitted uses in any zone, although they are defined and regulated by Chapter 10, Animals, of the West Orange Revised General Ordinances.

The Township’s 2019 Master Plan Update recognized changing retail patterns and recommended allowing for a wider range of commercial uses in West Orange’s business zoning districts. Examples of uses that were added as permitted in the P-C and other zones include urgent care, physical therapy, fitness centers and microbreweries. The Board may consider whether this use is also one that would fit within a broader variety of uses now permitted in the P-C zone.

There is no outdoor space shown on the submitted plans. The applicant should indicate whether outdoor activities are proposed for the dogs.



