



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: July 18, 2023

RE: **ZB-23-08/Orange Valley Social Settlement House, Inc. T/A Valley Settlement House**
Block: 6; Lots: 11.01, 43, 45 and 47; Zone: R-M
37 Tompkins Street
Seeking use variances and minor site plan approval for conversion of existing building

INTRODUCTION/LAND USE

The applicant is requesting approval for “d(1)” use variances and minor site plan approval to permit the conversion of a vacant building to use as a childcare classroom and a caretaker’s apartment. The application form only lists Block 6, Lot 47 as the subject property. However, the applicant’s use includes multiple buildings and functions on four connected lots (Block 6, Lots 11.01, 43, 45 and 47), which are shown on the submitted boundary survey and site plan. The 200-foot radius from the subject property also has been drawn from the borders of the four lots.

The property is irregular in shape, with a 175-foot wide by 175-foot deep portion fronting on Tompkins Street connecting to a portion fronting on Valley Road (Lot 11.01) which has 89 feet of frontage and depth of approximately 126 feet. The lot area is 41,790 square feet (0.963 acres). Multiple buildings with heights ranging from 1 to 2 ½ stories in height are located on the Tompkins Street portion of the property while the rear portion along Valley Road is primarily an open grass area. There is a parking lot in the southeast corner of the site along Tompkins Street. Photos of the subject property are attached.



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The subject property is located in an area developed with a mix of residential, commercial, public and institutional uses.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Boundary Survey	George R. Pronesti, PLS	10/27/22
Site & architectural plans (7 sheets)	John Inglese, AIA, PE, LEED AP	2/22/23
Planning & Zoning Evaluation	Matthew Seckler, PE, PP, AICP and Thomas Ricci Jr., PP, AICP	6/1/23
Traffic & Parking Assessment Report	Matthew J. Seckler, PE, PP, PTOE and John R. Corak, PE	7/12/23

VARIANCES REQUIRED

<i>"d(1)" Variances</i>			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Permitted Use	Various residential and other uses	Non-profit social service agency/childcare center	Non-profit social service agency/childcare center/caretaker's apartment
25-8.12 More than one principal use upon any single lot	Only permitted in the B-1, B-2, P-C, O-R and I Districts	Two principal uses	Three principal uses

The building has existing nonconforming conditions pertaining to maximum number of stories (2 ½ permitted, 3 existing) and minimum side yards (10 feet plus 8 feet required, 4.3 feet/3.9 feet existing), but these are not being modified.

DISCUSSION/RECOMMENDATIONS

Description of Proposal

The applicant proposes to modify an existing three-story building on Lot 47 formerly used as a library for use as a childcare center for 15 children on the first floor and a three-bedroom caretaker's apartment on the second and third floors. The proposed use of the building would be related to the existing use of the overall property by the applicant, which is a non-profit social service agency. Exterior modifications include the addition of a new porch and steps on the east



side of the building and a new landing and ramp on the west side, and four wall-mounted LED lights. Separate access points are proposed for the two uses, with the childcare center accessible by an existing stairway and the new ramp, and the apartment by the new exterior stairs.

A 772-square foot classroom area and a new accessible toilet room are proposed on the first floor. The second floor will include a living room, dining room, kitchen and bathroom. The third floor will include three bedrooms and one bathroom.

A parking lot is located to the east of the building. No change is proposed to the parking lot or other exterior areas on the site, and no new landscaping is proposed.

Variance Proofs

The subject property is located in the R-M Residential zone district. As noted, use variances are required for the proposed uses and to permit more than one principal use on a single lot.

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 each 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 planning report indicates that the daycare center is an “inherently beneficial use,” and that the caretaker’s dwelling will support this use. Such uses must satisfy a four-part test enumerated in the Sica v. Board of Adjustment of Tp. of Wall court case, as noted in the planning report. The planning report outlines how these criteria are met, and addresses the negative criteria as well.

Other Issues

Testimony should be provided as to the existing uses on the property and how the proposed additional childcare center space will relate to them. In particular, information should be provided regarding drop-off and pickup of childcare center attendees.

Information should be provided regarding the reasoning for provision of a caretaker’s apartment.





