



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: June 23, 2023 – *revised November 1, 2023*

RE: **ZB-23-07/Petco Animal Supplies Stores, Inc.**
Block: 155.21; Lot: 40; Zone: P-C
495 Prospect Avenue
Seeking use variance approval for veterinary operations

The applicant has submitted additional documents and information. This memorandum supplements my updated review memorandum dated June 23, 2023. New information is denoted in **bold**, deletions are shown in ~~striketrough~~.

INTRODUCTION

The applicant is requesting approval for a “d(1)” use variance approval to permit veterinary operations within an existing pet supplies store which is proposed to be expanded into an adjacent storefront. Interior alterations are proposed along with two exterior doors being added and modifications being made to 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. It is located in the central portion of West Orange in an area developed with a mix of land uses. These include commercial, office, hotel and residential uses. The property is bounded by Prospect Avenue on the east and by



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Rooney Circle on the south, west and north. The portion of the shopping center in which the existing and proposed expanded uses are located in “Building A” per the approved site plan for the shopping center in the south-central portions of the site. Site photographs are included at the end of this memorandum.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Boundary and Topographic Survey	David R. Avery, PLS	11/2/18
Site Plan (1 sheet)	Michael J. Fowler, PE	5/1/23
Architectural plans (37 sheets)	(not signed)	6/4/21
Planning report	Joseph A. Mancini, PP	10/23/23
Revised Project Overview and		
Project Data Exhibit	George A. Fanous, RA	8/25/23
Revised Site Plan Exhibit	George A. Fanous, RA	8/25/23
Revised Aerial Photograph		
Exhibit	George A. Fanous, RA	8/25/23
Additional information regarding equipment		not dated

VARIANCES REQUIRED

<i>“d(1)” Variance</i>			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Permitted Use	Various retail and service commercial uses	Pet supplies store	Pet supplies store and veterinary operations

DISCUSSION/RECOMMENDATIONS

Description of Proposal

The applicant proposes to expand an existing pet supplies store in Essex Green Shopping Center into an adjacent space and add veterinary operations to the use. The existing store is proposed to be expanded by incorporating 1,689 square feet of floor area from an adjacent tenant within which to construct improvements. **This space was formerly utilized for a vision care center.** The use would include treatment rooms, exam rooms, office space, a waiting area, an x-ray room, a treatment area and a day kennel area. Proposed modifications are limited to the interior



of the building and to two exterior doors and signage. No changes are proposed to the parking areas or overall site layout.

In response to questions and requests for additional information made at the first public hearing on the application, the applicant has submitted supplemental documents regarding the proposal.

With regard to the potential change in minimum parking requirements pertaining to the change in use from a vision care center to veterinary services, neither of these uses is explicitly listed in the schedule of parking requirements for nonresidential uses in Section 25-12.2 b.1. of the Land Use Regulations Ordinance. Pursuant to Section 25-12.2 b.2., off-street parking requirements for uses not listed in the schedule “shall be established by the approving authority, based upon accepted industry standards.” The required parking for medical, dental, psychiatric and chiropractic offices in the schedule is one space per 150 square feet, which would seem to be a reasonable ratio for both the former vision center and the proposed veterinary services use.

Variance Proofs

The P-C zone permits a range of retail and service commercial uses. However, veterinary services are 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 has requested a waiver from providing a planning report, but has provided an Application Addendum setting forth the justifications for the use variance, and has indicated a planner will provide testimony in support of the use variance request. **The applicant has provided a planning report in its supplemental submittal.**



Issues for Consideration

The proposed use is one not considered in the West Orange Land Use Regulations Ordinance, and veterinary services are not listed as permitted in any zone in the Township.

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, as well the proposed use's relationship to the existing use within which it would be located.



