



TOWNSHIP OF WEST ORANGE

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

Department of Planning and Development

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TO: Planning Board Members

FROM: Paul Grygiel, AICP, PP, Township Planner

DATE: October 23, 2023

RE: **PB 23-11/Tompkins Realty LLC**
Block: 7; Lot: 12.02; Zone: R-M
34 Tompkins Street
Application for Minor Subdivision Approval with Variances

INTRODUCTION

The applicant is proposing to subdivide an existing lot developed with a two-family home and related improvements into two lots. The existing dwelling is proposed to remain on one lot and a new two-family dwelling is proposed on the other lot. Multiple bulk variances are required to permit the proposal.

LAND USE

The subject property is located in the southeastern section of West Orange. It is a through lot with frontages on Tompkins Street and Stockman Street, and is located on a block also bounded by Freeman Street and Mitchell Street. The area surrounding the subject property is developed with a mix of land uses, which include one-, two- and multi-family residential, commercial and institutional. A commercial use is located on the adjacent lot to the north. New Jersey Transit's Highland Avenue railroad station is located two blocks to the east, and bus stops are located in the vicinity.



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SUBMISSIONS**ITEM****SIGNED BY****DATE/REVISION**

Survey of Property

David J. Von Steenburg, PLS

12/8/21

Minor Subdivision Plat

David J. Von Steenburg, PLS

8/28/23

Architectural plans

Frank D. Mileto, A.I.A.

5/9/23

Planner's Report

Lisa Phillips, P.P., AICP

10/13/23

VARIANCES REQUIRED

SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED – LOT A	PROPOSED – LOT B
25-7.1 Minimum lot area – two-family dwelling	7,500 sq. ft.	4,098 sq. ft.	2,584 sq. ft.	1,514 sq. ft.
25-7.1 Minimum lot area per unit – two-family dwelling	3,750 sq. ft.	4,098 sq. ft.	1,292 sq. ft.	757 sq. ft.
25-7.1 Minimum front yard	30 feet	20.5 feet/ 2.4 feet ¹	20.5 feet	5.0 feet
25-7.1 Minimum side yard	10 ft. + 8 ft.	2.3 ft. / 0.3 ft. ²	4.7 ft. / 0.3 ft.	2.3 ft. / 0.7 ft.
25-7.1 Minimum rear yard	30 feet	N/A	10.7 feet	6 feet
25-7.1 Maximum building coverage	40%	45.7%	45.2%	69.6%
25-7.1 Maximum lot coverage	50%	50.4%	63.4%	78.7%
25-12.2a.1 Minimum off-street parking spaces – two-family dwelling	2BR: 1.5 3BR: 2.0 4BR: 2.5 ³	Three	Two	Four
25-12.4a.2 Minimum driveway setback to side lot line	5 feet	< 5 feet	< 5 feet	< 5 feet
25-12.4.b.2 Maximum portion of required front, side or rear yard used as a parking area	30%	Not provided	> 30%	> 30%

¹ As a through lot, the subject property currently has two front yards and no rear yard.

² Side yard to second floor setback of existing dwelling.

³ Per Section 25-12.2a.1: "If applicant does not specify the number of bedrooms per unit, this parking requirement shall apply"



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DISCUSSION/RECOMMENDATIONS

The subject property is currently developed with a two and one-half-story single-family dwelling facing Tompkins Street, with a three-car garage to the rear facing Stockman Street. Photographs of existing site conditions are attached.

The applicant is proposing to subdivide the existing parcel into two lots. The existing home would remain on Lot A with a paver parking area for two vehicles in the front of the dwelling. The existing garage would be demolished and replaced with a two-family dwelling above the existing foundation. Two bedrooms are proposed in each dwelling unit, along with one garage for each unit. Each garage would allow for two stacked cars, for a total of four off-street parking spaces on Lot B.

The existing lot area is 4,080 square feet (0.09 acres) in area. The proposed lot areas are 2,584 square feet and 1,514 square feet.

The subject property is located in the R-M Residential zone, which permits one-family detached dwellings, two-family dwellings and multifamily development, in addition to certain nonresidential uses permitted in all of the Township's residential zones. Therefore the existing single-family dwelling and the proposed two-family dwelling are permitted uses in the R-M zone. However, there are a number of existing nonconforming conditions with regard the R-M zone bulk standards and other zoning regulations, and various new noncompliant conditions are proposed. Therefore, "c" or bulk variances are required.

An applicant for a "c" variance must comply with the requirements of the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70c. A "c" variance applicant must demonstrate that there is either undue hardship or practical difficulty associated with the strict application of the requirements of the Zoning Ordinance in connection with this specific piece of property; or that one or more purposes of zoning would be advanced by the deviation and the benefits of granting the variance for this specific piece of property would substantially outweigh any detriment. In addition, a variance applicant must 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 indicated that a variance is required from Section 25-8.3, regarding front yards on through lots. However, with the proposed subdivision, there would no longer be a through lot and therefore this requirement would not be applicable.

The R-M zone bulk standards compliance table on the subdivision plat cites a provision in § 25-8.2e. of the Land Use Regulations Ordinance ("An existing private garage for a one-family or



two-family dwelling may be rebuilt within its same footprint”) in the context of the setbacks for the proposed dwelling. This ordinance section is intended to allow a garage that has fallen into disrepair or has been destroyed (such as by fire or a weather event) to be rebuilt in kind. Notably, § 25-8.2e. only says a garage may be “rebuilt,” not rebuilt and expanded. Therefore, the new dwellings setbacks should be treated as new setbacks.

The applicant must indicate the number of bedrooms in the existing two-family dwelling on proposed Lot A, as this number affects calculation of required off-street parking spaces. Per the Land Use Ordinance, when an applicant does not specify the number of bedrooms per unit in a two-family dwelling, a requirement of 2.5 spaces per unit, or five total spaces, would apply.





Existing two-family dwelling facing Tompkins Street on proposed Lot A



Existing yard and garage dwelling facing Stockman Street on proposed Lot B