

John McDonough Associates, LLC

Land Use Planning · Landscape Architecture

PLANNING REPORT

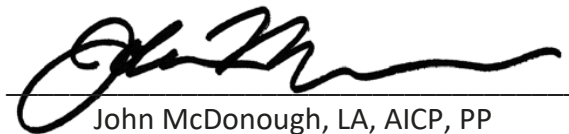
PREPARED FOR

PROPOSED CONVERSION 2-FAMILY TO 3-FAMILY DWELLING

FOR PROPERTY LOCATED AT

**18 KLING STREET
BLOCK 116 LOT 62
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NJ**

(November 7, 2023)



John McDonough, LA, AICP, PP
NJPP License #33LI00518900

The original of this report was appropriately signed and sealed in accordance with laws and regulations pertaining to the practice of Professional Planning in New Jersey (NJSA 45:14A and NJAC 13:41-1.3(b))

PLANNER’S REPORT
PROJECT NARRATIVE
RELIEF SOUGHT/JUSTIFICATION FOR VARIANCES
APPLICATION OF ASEMAMAW FELEKE AND MISTRE SEWASEW
18 KLING STREET
BLOCK 116, LOT 62
(November 7, 2023)

INTRODUCTION AND PROPERTY DESCRIPTION

Applicants, Asemamaw Feleke and Mistre Sewasew have applied for “d(1)” and “c” variance for the interior renovation and conversion of a detached two family dwelling to a three family dwelling on property located at 18 Kling Street (“the Property”) in the R-T zone. The 3,751 square foot property is developed with a two family dwelling and a detached garage. Presently, the dwelling has two apartments: a three-bedroom unit on the first floor; and a four bedroom unit that occupies both the second and third floor of the dwelling. The tenant occupying the second and third floor has recently vacated the third floor bedroom area.

PROPOSED DEVELOPMENT

The proposal involves the interior renovation of the third floor of the dwelling from two bedrooms and a bathroom to a studio apartment (one bedroom, a kitchen and a bath). Presently there is parking for 4 vehicles in the garage and driveway area with access via Kling Street.

The proposed three unit development does not comply with the permitted uses in the R-T zone (Section 25 Attachment 2- Table of District Regulations) which permits single and two family dwellings, therefore a d(1) use variance is required. The proposal results in a net decrease of bedrooms – presently there are seven bedrooms in the two units; and the proposal is for a total of six bedrooms within three dwelling units.

The ability to provide a reasonably priced rental unit in an area close to mass transit and within a detached residential structure is consistent with the Master Plan goal of providing “appropriate residential development”.

NEIGHBORHOOD DESCRIPTION

The surrounding area on Kling Street is developed with a mix of detached residential dwellings that range from single to three family dwellings (based on visual survey of mailboxes, meters and doorbells). The subject site is located in a walkable neighborhood which is proximate to the commercial areas on Main Street, Washington Street and Watchung Avenue. There are several NJ Transit bus lines (#21, #97, #71) that run along Main Street which provides residents access to Newark Penn Station.

ZONING/REQUESTED VARIANCES

The proposed project requests variances from the following requirements of the Township Zoning Ordinance (Attachment 25-2 and Attachment 25-3):

1. D-1 (use) variance from the permitted uses in the R-T zone. Single and two family dwellings are permitted. The applicant is proposing a three-family dwelling.
2. Minimum lot area per dwelling unit (Attachment 25-3) (3,750 square feet required for two family residences; 1,250 square feet for each of the three units is proposed).
3. Minimum lot area (Attachment 25-3) (3,750 square feet required for two-family residences; 3,750 square feet existing and proposed for a three family residence).
4. Section 25-9.8(9) Minimum residential floor area for multi-family residences.(Efficiency/studio apartment is required to have 600 square feet; proposed studio on the third floor is 467square feet)..
5. Minor site plan approval.

The following pre-existing conditions exist and will not change:

1. Minimum lot width (Attachment 25-3) (75 feet minimum lot width required for a 2 family dwelling; 30 feet existing/no change).
2. Minimum front yard setback (Attachment 25-3) (30 feet required; 23.6 feet existing/no change);
3. Minimum side yard setback (one/both) (Attachment 25-3) (8 feet one side/10 feet one side required: 0.1 and 8.4 feet existing/no change).
4. Maximum lot coverage (Attachment 25-3) (55% permitted; 74% existing/no change).

POSITIVE CRITERIA

The R-T zone permits the following uses: single-family, two-family dwellings; government buildings, water reservoir and tower; golf courses; farm, nursery and greenhouses; and hospitals. The proposed three family dwelling is not a permitted use, therefore a d(1) use variance is required. Additionally, the proposal requires “c” variances and an RSIS waiver.

The site is particularly suited for the proposed three family use since all three floors of the dwelling are currently occupied by two apartments. The introduction of the studio apartment on the third floor represents a net decrease in the number of bedrooms and will not increase the size of the structure since there is not exterior expansion or renovation proposed. The property is located in a neighborhood where there are several three family structures in the vicinity and it is close to mass transit and commercial uses.

The Board has the power to grant “c(2)” or so-called “benefits v. detriments” variances pursuant to N.J.S.A. 40:55D-70c(2), where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits would substantially outweigh any detriment. The variances associated with the proposal can be granted under the “c(2)” rationale as the improvements are a benefit to the township vis a vis the provision of a smaller rental unit at a reasonable rent.

The undersized lot (lot area per dwelling unit) can accommodate the proposed development since the proposal reduces the number of bedrooms and is not increasing the size of the structure. The minimum square foot variance (467 square feet proposed for the studio attic apartment; 600 feet required)can be justified as the third

floor apartment is sufficiently sized to accommodate a bedroom, kitchen and bathroom that will permit a lower rent for moderate income tenants as opposed to a larger apartment size.

The proposal affirms the following goals of the master plan: “promote development in locations near transit and services”; and “encourage appropriate residential development”.

NEGATIVE CRITERIA

The granting of the variances will not result in a substantial detriment to the public good or impairment to the intent and purpose of the zone plan and zoning ordinance. The proposal is located in a neighborhood with several three family dwellings. It is also a walkable area proximate to mass transit and nearby services/commercial areas which advances several of the goals of the West Orange Master Plan. The proposed project is not anticipated to generate more traffic and can accommodate the majority of the required parking spaces for the one additional unit

PARKING

The RSIS (Residential Site Improvement Standards) requires a total of 5 parking spaces based on a three bedroom unit on the first floor (2 spaces required); a two bedroom unit on the second floor (1.5 spaces required); and a studio apartment/one bedroom unit on the third floor (1.5 spaces spaces). The proposal includes 5 parking spaces: 2 within the detached garage, a new space to the rear of the dwelling and two spaces within the driveway and complies with the RSIS requirement.

SUMMARY

The proposal represents an alternative housing option without the need for a building expansion. It will provide an affordable choice for a renter that is located in a walkable area convenient to both commercial areas and mass transit. None of the variances will have a substantial detriment to the public good or substantially impair the master plan. The information contained in this report will be supplemented with expert testimony at the Zoning Board of Adjustment.