

DELL'ITALIA & SANTOLA

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JOHN P. DELL'ITALIA, ESQ.

STACY A. SANTOLA, ESQ.

JOHNPDELL@AOL.COM

REPLY TO ORANGE, NJ

October 16, 2023

VIA HAND DELIVERY

West Orange Planning Board
66 Main Street, Room 214
West Orange, New Jersey 07052

**RE: Variance Application for 31 Bradford Avenue
West Orange, New Jersey 07052
BLOCK: 55.06 LOT: 1.01**

Dear Sir/Madam,

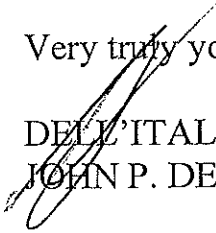
Enclosed please find the following:

1. City of West Orange Property List
2. Variance Application.
3. One (1) Set of Photos of the Property before and after the retaining wall.
4. Five (5) Sets of Plans;
5. Proof of No Tax;
6. Proposal.
7. Reason for Relief.
8. Area Map
9. My check in the amount of \$100.00 for the application fee.
10. My client's

It is my understanding that upon your complete review, this matter will be scheduled for a Hearing on November 16

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

DELL'ITALIA & SANTOLA
BY:  JOHN P. DELL'ITALIA, ESQ.

JPD/kh
Enclosures

**TOWNSHIP OF WEST ORANGE
APPLICATION FORM FOR THE
PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT**

A. APPLICANT INFORMATION

Full Legal Name: De Oliveira Jose
(Last) (First)
Mailing Address: 31 Bradford Avenue West Orange NJ 07052
(Street) (City) (State) (Zip)
Telephone Number: (973) 223-0690 Email: jmoliveira02@hotmail.com

Is the Applicant an: ☒ Individual, ☐ Corporation, ☐ Partnership, ☐ Other _____

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached.

Relationship of the applicant to the property: ☒ Owner, ☐ Tenant or Lessee, ☐ Purchaser under contract
(with consent of owner, ☐ Other (please specify) _____)

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☒ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: _____

Address: _____

Telephone Number: (____) _____ Email: _____

C. PROPERTY INFORMATION

Street Address: 31 Bradford Avenue, West Orange, NJ 07052

Block Number(s): 55.06; Lot Number(s): 1.01

Tax Plate: _____; Zone of Property: R-5

The location of the property is approximately 1 feet from the intersection of _____
Northfield Avenue and Bradford Avenue (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?

☐ Yes, Date(s): _____; ☒ No

If yes, please attach copies of the written decisions adopted by the Board to each application.

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☐ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☒ Variance "C1" Reason: ☐ shape of property; ☒ physical features; ☒ exceptional situation.
- 4) ☐ Variance "C2".
- 5) ☐ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☒ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☐ Site Plan: ☐ preliminary; ☐ final; ☐ preliminary and final; ☐ with variances; ☐ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☐ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list.

Section: 25-8.4-B; Proposed: _____; Description: Retaining Wall over 6' in height, 6' fence

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

Section: _____; Proposed: _____; Description: _____

E. DESCRIPTION OF PROPERTY

Existing Use of the Property

Briefly describe the major elements of your proposal; (a more detailed description is required in Section G.)

Allow the existing of the Retaining Wall that has already been constructed.

The property is 10,995.93 (square feet); 0.25 (acres)

Impervious Surface Coverage: Present: _____; Proposed: _____

Building Coverage: Present: _____; Proposed: _____

Is the property located:

- | | | |
|--|---|--|
| Within 200 feet of another municipality? | ☐ Yes | ☒ No |
| Adjacent to an existing or proposed county road? | ☒ Yes | ☐ No |
| Adjacent to other county land? | ☐ Yes | ☒ No |
| Adjacent to a state highway? | ☐ Yes | ☒ No |

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY: John P. Dell'Italia, Esq.

Telephone Number: (973) 672-8000 Email: johnpdell@aol.com

Address: 18 Tony Galento Plaza, Orange, NJ 07050

APPLICANT'S ENGINEER: Mirza Baig, PE

Telephone Number: (201) 736-7546 Email: ksiengineering@gmail.com

Address: 80 Broadman Parkway, Jersey City, NJ 07305

APPLICANT'S ARCHITECT: Rui Amaral

Telephone Number: (973) 477-5369 Email: ramaralra@aol.com

Address: _____

APPLICANT'S PLANNER: _____

Telephone Number: () _____ Email: _____

Address: _____

OTHER EXPERT(S): _____

Telephone Number: () _____ Email: _____

Address: _____

If necessary, please list any additional experts below, including address, telephone number and email address.

G. REQUIREMENTS FOR VARIANCES

- 4A) Please attach a written statement labeled "PROPOSAL", describe the major elements of your proposal, and describe in detail the physical and use changes proposed.
- 4B) Please attach a written statement labeled "REASONS FOR RELIEF", which fully answers 4C-1, 4C-2 or 4D (Special Reasons) AND part 4E (Negative Criteria).
- 4C-1) *(For C1 variances only)* The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- 4C-2) *(For C2 variances only)* State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- 4D) *(For D variances only)* State the special reasons under *N.J.S.A 40:55D-70d* affecting this property.
- 4E) The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

J. VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Applicant's Signature: _____ Date: 09/15/2023

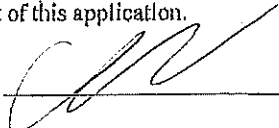
CONTINUANCE

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statue time limit, the applicant grants permission for such an extension.

Applicant's Signature: _____ Date: 09/15/2023

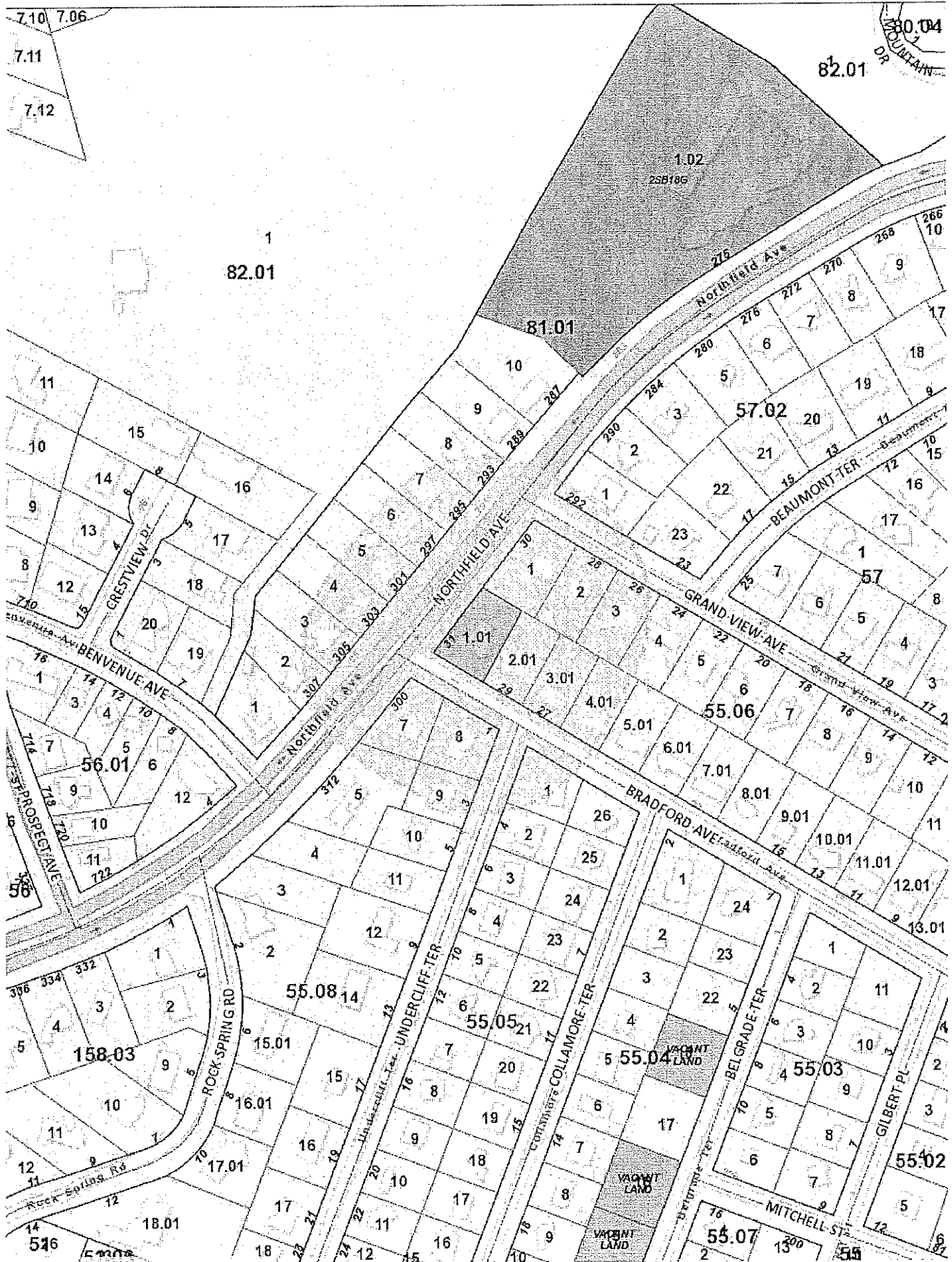
OWNER'S AUTHORIZATION – MUST BE SIGNED

I hereby certify that I reside at 31 Bradford Avenue , West Orange, NJ 07052
in the County of Essex and the State of New Jersey;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 55.06;
Lot(s) 1.1 on the Tax Map of _____ which property is the subject of the above
application, and that said application is hereby authorized by me. Furthermore, I authorize inspection of the site
which is the subject of this application.

Owner's Signature:  _____ Date: 09/15/2023

*THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER
TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE
NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.*

Buffer Report - Map



Buffer Report

THE TOWNSHIP OF WEST ORANGE

Office of the Assessor
66 Main Street
West Orange, New Jersey 07052
Telephone: (973) 325-4060
Facsimile: (973) 669-4859

Highlighted feature(s)

Subject Property(s) (1)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	55.06	1.01		31 BRADFORD AVENUE	DE OLIVEIRA, JOSE M & JENNIFER	31 BRADFORD AVE	WEST ORANGE, NJ	07052

§

List of adjoining feature(s) that intersect 200 foot buffer from Subject Property(s).

Adjoining Properties (24)

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	55.05	1		2 UNDERCLIFF TERRACE	ANGELONE, ANTHONY & EDIE ANN	2 UNDERCLIFF TERRACE	WEST ORANGE, NEW JERSEY	07052
West Orange Township	55.05	2		4 UNDERCLIFF TERRACE	DEY, SHYAMAU & MUKHERJEE, JOY	4 UNDERCLIFF TERRACE	WEST ORANGE, NJ	07052
West Orange Township	55.06	1		30 GRANDVIEW AVENUE	DARIO, GEMMA M	30 GRANDVIEW AVENUE	WEST ORANGE, N.J.	07052
West Orange Township	55.06	1.01		31 BRADFORD AVENUE	DE OLIVEIRA, JOSE M & JENNIFER	31 BRADFORD AVE	WEST ORANGE, NJ	07052
West Orange Township	55.06	2		28 GRANDVIEW AVENUE	NTIM-ADDAE, EDWARD	28 GRANDVIEW AVENUE	WEST ORANGE, N. J.	07052
West Orange Township	55.06	2.01		29 BRADFORD AVENUE	NEWMAN, JOEL THOMAS & ASHLEY	29 BRADFORD AVE	WEST ORANGE, NJ	07052
West Orange Township	55.06	3		26 GRANDVIEW AVENUE	SIX, MATTHEW G & STEPHANIE MCLEAVER	26 GRANDVIEW AVENUE	WEST ORANGE, NJ	07052
West Orange Township	55.06	3.01		27 BRADFORD AVENUE	IUSO, ANGELA A	27 BRADFORD AVE	WEST ORANGE, NJ	07052
West Orange Township	55.06	4		24 GRANDVIEW AVENUE	BAYNES, NOLAN M. & LESLIE MITCHELL	24 GRANDVIEW AVE	WEST ORANGE, NJ	07052
West Orange Township	55.06	4.01		25 BRADFORD AVENUE	DILLARD, ENID & JEAN PIERRE	25 BRADFORD AVENUE	WEST ORANGE, NJ	07052
West Orange Township	55.08	5		312 NORTHFIELD AVENUE	MBUH, MARGARET N	312 NORTHFIELD AVE	WEST ORANGE, NJ	07052
West Orange Township	55.08	7		300 NORTHFIELD AVENUE	BELLOMO, ERIC J. & JANE D.	28 BRADFORD AVE	WEST ORANGE, NEW JERSEY	07052
West Orange Township	55.08	8		1 UNDERCLIFF TERRACE	HEFFERNAN, DANIELLE & GAPIN, AMELIA	1 UNDERCLIFF TER	WEST ORANGE, NJ	07052
West Orange Township	55.08	9		3 UNDERCLIFF TERRACE	GOBETZ, WALLACE J. & LIOW, LUCY	3 UNDERCLIFF TER	WEST ORANGE, NJ	07052

Town	Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	Owner Zip
West Orange Township	57.02	1		292 NORTHFIELD AVENUE	AKINTOBI, PAULINE WALKS	292 NORTHFIELD AVE	WEST ORANGE, NJ	07052
West Orange Township	57.02	23		23 BEAUMONT TERRACE	MARSHALL, DEAN E & LESLIE A	23 BEAUMONT TER	WEST ORANGE, NJ	07052
West Orange Township	81.01	2		307 NORTHFIELD AVENUE	GUASTONI, CHRISTIAN & MARIA GUBERNA	307 NORTHFIELD AVE	WEST ORANGE, NJ	07052
West Orange Township	81.01	3		305 NORTHFIELD AVENUE	SIGUENZA, ROMAN & MIDDLETON, JENNIFER	305 NORTHFIELD AVE	WEST ORANGE, NJ	07052
West Orange Township	81.01	4		303 NORTHFIELD AVENUE	NATIVIDAD, VIC E. & DONNAH FETAN	303 NORTHFIELD AVE	WEST ORANGE, NJ	07052
West Orange Township	81.01	5		301 NORTHFIELD AVENUE	EMMA, LETA J-UIBELHOER, LUCIA D	301 NORTHFIELD AVENUE	WEST ORANGE, NJ	07052
West Orange Township	81.01	6		297 NORTHFIELD AVENUE	GARCIA, TEODULO & MIRCA	297 NORTHFIELD AVE	WEST ORANGE, NJ	07052
West Orange Township	81.01	7		295 NORTHFIELD AVENUE	TIMBERLAKE, PHILIP WAYNE	295 NORTHFIELD AVENUE	WEST ORANGE, NJ	07052
West Orange Township	81.01	8		293 NORTHFIELD AVENUE	ALVAREZ, ROBERT & SUSANA	293 NORTHFIELD AVE	WEST ORANGE, NJ	07079
West Orange Township	81.01	9		289 NORTHFIELD AVENUE	289 NORTHFIELD AVE, LLC	574 NEWARK AVENUE	JERSEY CITY, NJ	07306



TOWNSHIP OF WEST ORANGE

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

OFFICE OF THE TAX COLLECTOR

SUSAN McCARTNEY

Mayor

KATHY LONGO

Tax Collector

Tel: (973) 325-4075

Fax: (973) 736-9182

Email: taxcollector@westorange.org

VERIFICATION OF TAXES & SEWER CHARGES PAID

DATE: 9/21/23

BLOCK: 55.06

LOT: 1.01 QUAL: _____

NAME: Jose & Jennifer DeOliveira

ADDRESS: 31 Bradford Ave

TAXES PAID UNTIL: Oct. 31, 2023

2023 SEWER PAID IN FULL:

YES

NO

TOWNSHIP OF WEST ORANGE
TAX COLLECTOR
66 MAIN STREET
WEST ORANGE, NJ 07052
PHONE (973) 325-4075
FAX (973) 736-9182



AN EQUAL OPPORTUNITY EMPLOYER

www.westorange.org

JOSE M DE OLIVEIRA
31 BRADFORD AVE,
WEST ORANGE, NJ 07052
BLOCK: 55.06 LOT: 1.01

PROPOSAL

This variance proposal outlines the need for and benefits of replacing an existing failed railroad retaining wall with a new gravity blocks retaining wall exceeding the standard height limitation of 6 feet on a property characterized by significant sloppiness and to construct a fence around said wall to provide safety for residents, especially my daughter and son, whom are 5 and 3 years old. The purpose of the new retaining wall is to effectively manage soil erosion, stabilize the terrain, and safeguard the property and surrounding areas from potential damage caused by erosion and runoff. The proposed retaining wall aims to enhance safety, protect the environment, and maintain the integrity of the landscape in accordance with local zoning regulations and building codes. A wooden fence is also requested to be placed around the rear and side (see sketch for more details) of the new retaining walls.

The proposed retaining wall in the rear starts at only 2' in height and it gradually increases towards the corner where it peaks at approximately 9'3". The wall on the side is a two-tiered retaining wall system. The first one adjacent to the property line, has a peak height of 6'. The second wall is pushed back 4 feet and has a height of 5' in average. The wall alongside the property line was needed in order to stop soil erosion. The existing railroad timber retaining wall was built on the hill. This was probably done by the original builder to avoid going through the variance process. However, this caused soil erosion from the bottom of the railroad retaining wall. Therefore, causing it to fail overtime.

The primary purpose of the proposed retaining wall is to prevent soil erosion and land subsidence resulting from the lot's steep gradient. By constructing a retaining wall of increased height, the development aims to retain the soil effectively, preventing it from washing away during heavy rainfall or water drainage. Furthermore, the wall will create level terraces, enabling safer land use and minimizing any risk of structural instability.

The design of the proposed retaining wall (DESIGN TO BE PROVIDED) will be carried out by certified a engineer experienced in land development and slope stabilization. The wall's design will take into account various factors, such as the slope's degree, soil type, and water drainage patterns, ensuring the wall's integrity and effectiveness in preventing soil erosion.

The variance proposal seeks approval from the relevant local authorities to exceed the standard 6-foot height limitation for retaining walls. The proposal complies with all other zoning regulations, building codes, and environmental guidelines, emphasizing the necessity of the increased height to address the lot's steep slope effectively.

JOSE M DE OLIVEIRA
31 BRADFORD AVE,
WEST ORANGE, NJ 07052
BLOCK: 55.06 LOT: 1.01

REASON FOR RELIEF

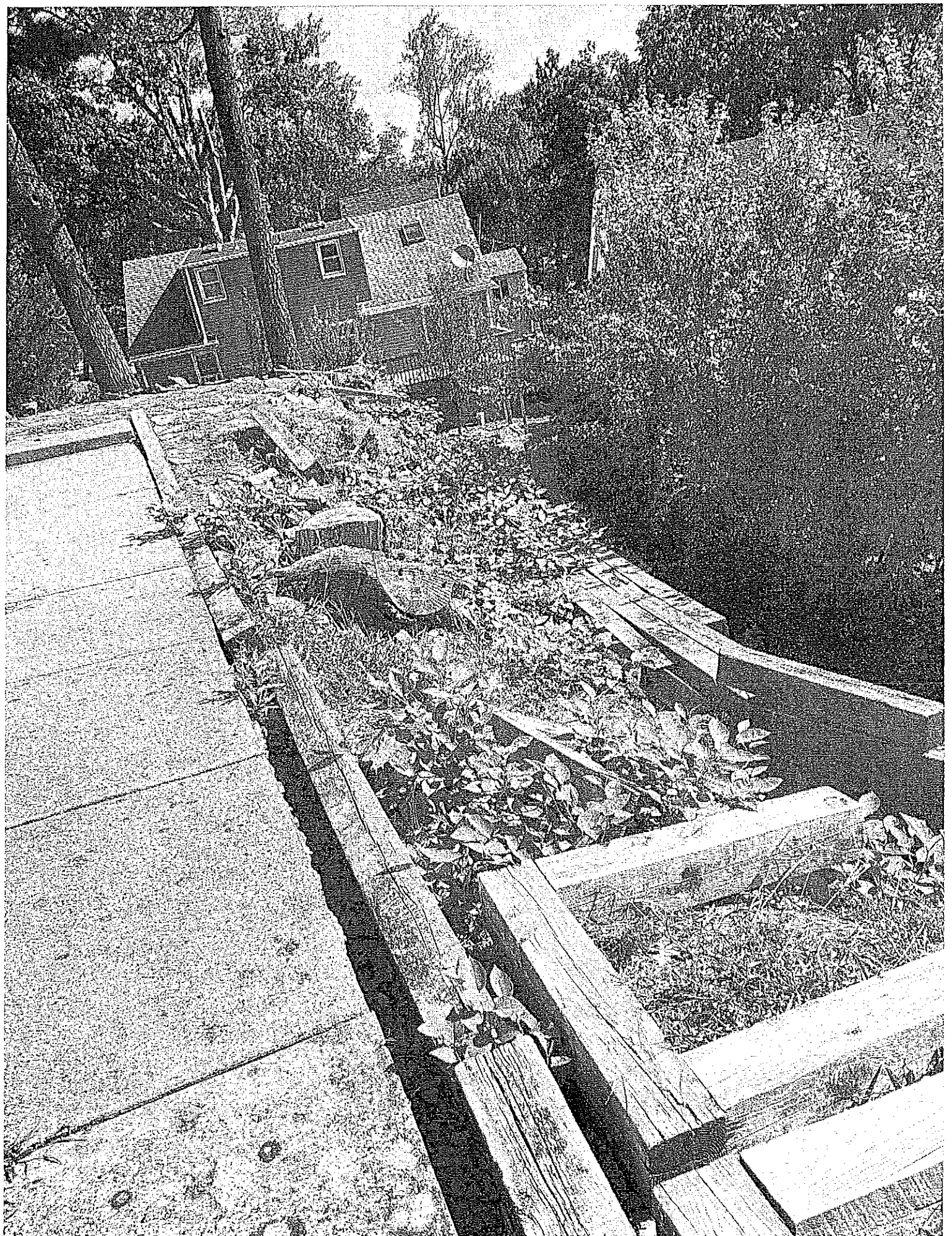
The subject property is situated on a high pitched sloping terrain, which poses considerable challenges in terms of erosion control and land stability. The excessive slope height necessitates a retaining wall that exceeds the standard height limitation of 6 feet to adequately address the unique site conditions and mitigate potential hazards and safety. The backyard is unsafe to use without the replacement of the existing failed railroad timber retaining wall. Soil erosion keeps getting worse. In order to maximize the terrain, use and soil erosion control, I hereby request such a variance. The wooden fence will provide privacy for the subject property and neighbors. The wooden fence also works as a noise barrier from the high traffic on Northfield Avenue. Therefore, my neighbors and I could benefit from the fence.

Without the approval of this variance, the back and side yards are unusable due to the steepness of the subject property's lot.

The proposed wall and fence will not be substantially detrimental to the public good and it will not substantially impair the intent of the zone plan and zoning ordinance. The retaining wall will create usable space, prevent soil erosion, while the fence will provide safety, privacy, and work as a noise barrier. The natural looks of the gravity retaining wall blocks will blend in with the environment as well as the wooden fence. Therefore, not causing it to be an eyesore for the community.

In conclusion, this variance proposal aims to construct a retaining wall exceeding 6 feet in height to manage the challenges posed by the sloppiness of the lot effectively. By addressing erosion, soil stability, and safety concerns, the proposed retaining wall will be an essential addition to the property while adhering to all relevant regulations.

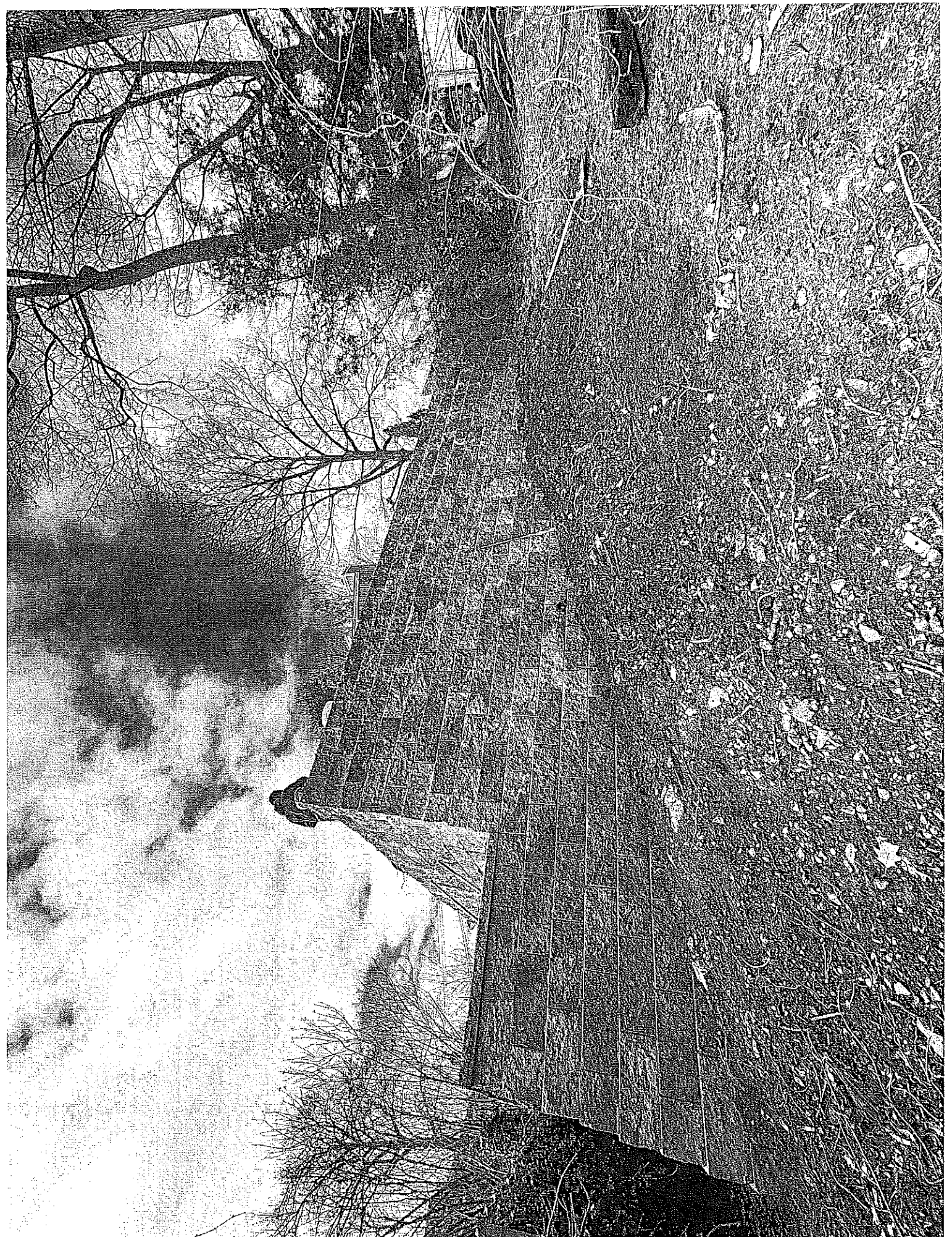




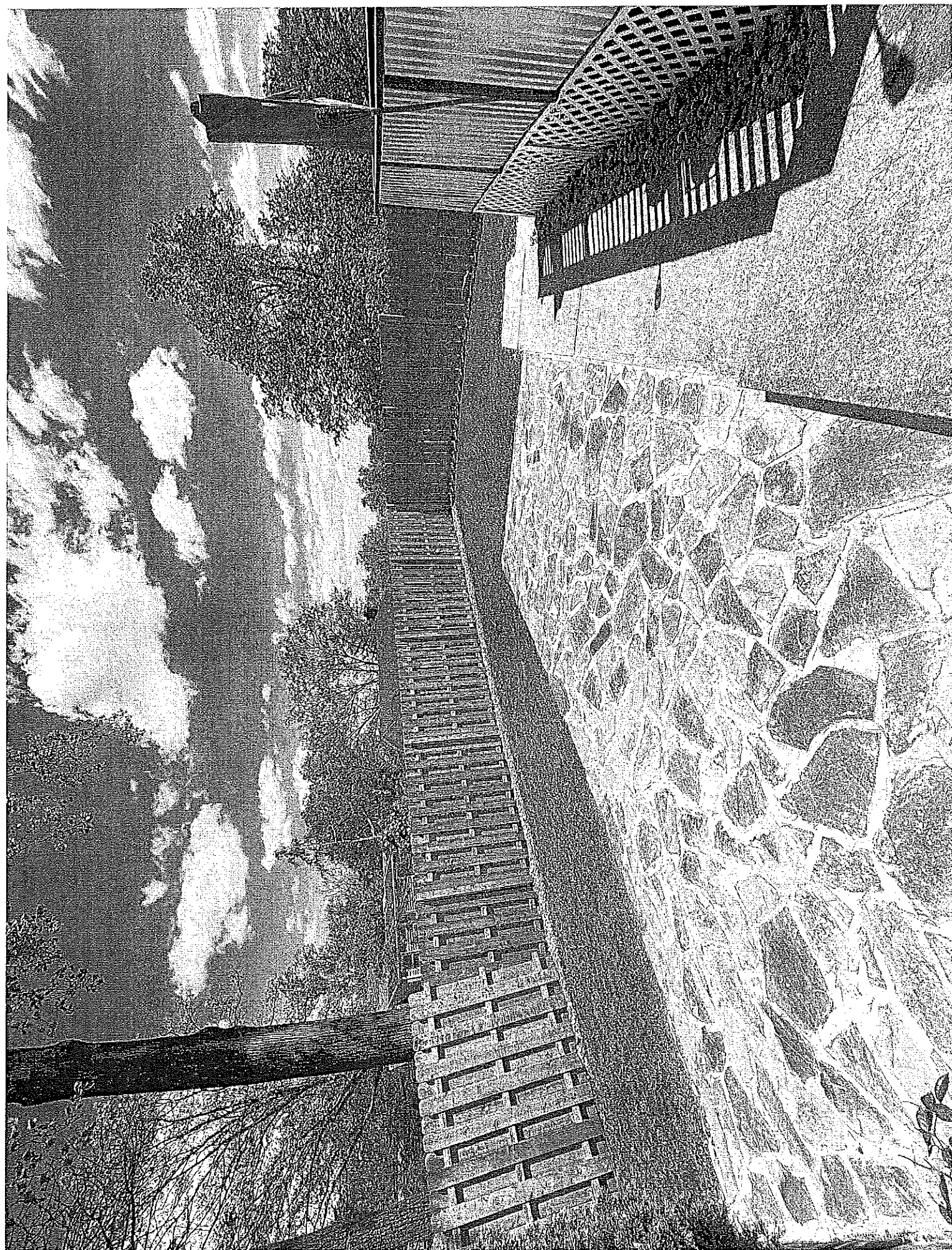


After











Before

