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West Orange Planning Board
Township of West Orange
66 Main Street
West Orange, New Jersey 07052

DR Project No.: 11680-007
January 08, 2024

**Re: JUSTIFICATIONS OF VARIANCES
PROPOSED MIXED-USE, MULTI-FAMILY DEVELOPMENT
410 MAIN STREET (BLOCK 113, LOTS 262, 263, 264 AND 308)
TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY**

An application has been filed for the above noted property with the West Orange Planning Board approval of a Preliminary and Final Major Site Plan with bulk "c" variances for minimum rear yard, side yard and front yard setbacks, number of stories, lot and building coverage, and minimum parking. The subject property is located in the B-2 General Business ("B-2") District.

PROPERTY DESCRIPTION

The subject property is a corner site identified as Tax Lots 262, 263, 264 and 308 on Block 113 and is located on Main Street and Park Drive North. The subject property has a total lot area of 11,936 square feet (0.274 acres), a lot width of 139.95 feet fronting Main Street, and a lot depth of approximately 84.46 feet fronting Park Drive North and is currently improved with a 2.5-story frame residential dwelling.

PROJECT DESCRIPTION

The purpose of this application is to demolish the existing building and develop the subject property with a new 3-story mixed-use building with ground floor commercial and multi-family residential on the upper floors. The proposed ground floor includes a commercial space anchored at the corner of Main Street and Park Drive North, ground floor lobby space for the residential units on the upper floors and a parking garage with egress off Park Drive North providing 13 parking spaces. The second and third floors propose identical layouts with 6 units provided per floor.

CONDITIONAL USE

Per §25-24.2.b2(m), the B-2 District permits mixed-use development as a conditional use subject to the following;

1) permitted ground floor uses are restricted to the permitted uses of the B-1 and B-2 districts;

The project is proposing a ground-floor commercial space which is permitted in the B-1 and B-2 District. Project complies.

2) one or more dwelling units are permitted above the ground floor;

12 residential units are proposed on floors 2 and 3. Project complies.

3) Access to upper floors shall be provided by means of a separate entrance from the entrance provided for ground floor uses;

The project provides a designated commercial entrance near the corner of Main Street and Park Drive North as well as a separate entrance off of Main Street to a residential lobby for accessing units on upper floors. Project complies.

4) minimum lot area shall be 5,000 square feet and minimum street frontage shall be 50 feet.

The subject property has a lot area of 11,936 square feet with approximately 140 feet of frontage along Main Street and approximately 84.5 feet of frontage along Park Drive North. Project complies.

The project meets the conditions as stipulated by the code. The requested bulk variances are a direct reflection of the zoning ordinance contemplating a mixed-use environment under the conditional use without adjusting or amending the zone's bulk standards to accommodate a reasonable or realistic bulk/structure for the conditional use. The project proposes an appropriate building envelope and configuration consistent with mixed-use properties throughout much of the Township's downtown.

VARIANCE JUSTIFICATION AND PROOFS

Bulk "c" Variances

The project requests bulk "c" variances for maximum height in stories, minimum front, side and rear yard setbacks, lot coverage and building coverage, which may be granted pursuant to N.J.S.A. 40:55D-70.c.(2), wherein the benefits of the proposed project would substantially outweigh any detriments.

Maximum Height (Stories): The project proposes a building height of 3 stories, where a maximum height of 2.5 stories is permitted in the B-2 District. The existing sloped grade of the subject property will minimize the appearance of the proposed 3 stories, particularly for the residents at the rear along Park Drive North. The slope of the existing grade increases substantially from Main Street moving west along Park Drive North. As such, the proposed 3 stories will read as a compliant 2.5-story structure from the adjacent property to the west with the parking garage being partially below grade along the west property line. The proposed structure is compliant in height in terms of feet and is appropriate in scale compared to the surrounding context along the Main Street corridor where the adjacent building at the opposite corner of Main Street and Park Drive North is 4 stories. The need for the variance for an extra story is related to the steep topography of the site and the desirable design strategy of anchoring the proposed commercial space at grade along Main Street to activate the corridor and providing a ground-floor parking garage that will be partially below grade. The proposed project will provide adequate light, air, and open space for the adjacent properties.

Minimum Rear Yard Setback: The project proposes a rear yard setback of 8.16 feet at the narrowest point, where a minimum of 30 feet is required. Based on the Township Code's definitions, the corner lot configuration determines the western property line to be the rear yard of the site, which in turn establishes the site's shortest property line as the lot depth. Due to the site's corner lot configuration, the rear yard possesses a typical side yard condition with the adjacent property on Park Drive North. In traditional a side yard condition, the proposed setback would be less than 2 feet shy of the required setback at the northwestern corner of the lot and compliant with the setback requirement for most of the structure's depth as the irregular lot gets deeper towards the south. The proposed setback accommodates the parking spaces and necessary drive-aisle widths in the first-floor garage while still providing adequate light and air to the adjacent residence on Park Drive North. The proposed setback is consistent with side yard setbacks seen along the Park Drive corridor as the structure-to-structure distance will be consistent with, and in many instances greater than the typical distance seen along Park Drive.

Minimum Side Yard Setback: The project proposes a side yard setback of 5.22 feet on the southern property line, where a minimum of 10 feet is required. The deficit of approximately 4.75 feet is only present on the ground floor as the increased footprint is needed to accommodate necessary vehicular movements for safe navigation in the ground floor parking garage. There are no proposed ground-floor windows along the southern property line. Therefore, the impacts of the variance will not have substantial detriment to the adjacent townhomes on Lot 307. The two upper floors containing residential units are setback from the ground floor and comply with the required side yard setback requirement. The project proposes a side/front yard setback (corner lot) of 5.14 feet on the

northern property line where 25 feet is required in the B-2 District. The proposed project anchors the commercial space at the Main Street corner to activate the Main Street frontage and provide efficient traffic flow along the sidewalk for the commercial space and residential lobby where the southern portion of this frontage is occupied by an NJ Transit bus stop. Locating the commercial space at the corner is consistent with sound urban design practices and provides ADA compliant entrances for building access while respecting a quieter character of the frontage along the southern property line as the context transitions to a residential use. At the opposite Main Street and Park Drive corner, the adjacent property also provides ground floor commercial with a 0-foot setback on the side-front property line. As such, the proposed condition is consistent with the existing context and the commercial use.

Minimum Front Yard Setback: The project proposes a front yard setback of 5 feet, where a minimum of 30 feet is required in the B-2 District. The proposed setback provides adequate space to access the commercial and residential uses along Main Street while still anchoring the building to the corridor as is consistent with contemporary mixed-use development practices. Increasing the setback will decrease the square footage of the commercial space and the residential lobby and decrease the proposed parking count as the sloped condition of the site present substantial constraints in locating and integrating the ground floor of the structure. The surrounding context along and across this part of Main Street provide a 0-foot front yard and therefore the proposed 5-foot front yard is appropriate for the commercial nature of the corridor.

Lot Coverage: The project proposes a lot coverage of 82%, where a maximum lot coverage of 60% is permitted in the B-2 District. The proposed coverage includes the retaining walls at the front and rear of the property and the concrete walkways along Park Drive north and at the rear. It also includes expanded sidewalk within the front yard to provide appropriate access to the building lobby and ground floor commercial space. The project proposes an underground stormwater detention tank in the parking garage to mitigate the impacts of the increased coverage.

Building Coverage: The project proposes a building coverage of 73%, where a maximum building coverage of 40% is permitted in the B-2 District. The corner lot configuration allows the subject property to accommodate an appropriately sized mixed-use, multi-family structure while still providing adequate light, air, and open space for the adjacent properties. The mixed-use nature of the project calls for a more urbanized approach to overall site design in which parking is accommodated in an enclosed garage, the ground floor commercial is substantial enough to anchor the corner and activate Main Street, and the proposed project successfully addresses the sloped topography of the site. The project meets the conditions of a mixed-use development in the B-2 District by

providing 12 residential units on the upper floors on a lot greater than 5,000 square feet and separate entrances to access the commercial space and residential lobby.

Promotes the Purposes of the Municipal Land Use Law:

The granting of the variances will advance the purposes of the Municipal Land Use Law and promote the general welfare.

- Granting the requested variances will guide the appropriate use and development of the property in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2.a. through the provision of an appropriate mixed-use building on a lot that is compliant with conditional uses of the B-2 District.
- The proposed project will provide adequate light, air, and open space; consistent with N.J.S.A. 40:55D-2.c.
- The project is proposing a use that is consistent with other mixed-use apartments buildings located in the surrounding area in proximity to public transportation, and therefore is promoting the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities; consistent with N.J.S.A. 40:55D-2.e.
- The proposed project will promote a more desirable visual environment through creative development techniques consistent with N.J.S.A. 40:55D-2.i. by redeveloping the property and substantially improving the Main Street streetscape and commercial character.

Negative Criteria

Granting the variances will not result in a substantial detriment to the general welfare. The project proposes to demolish an existing condemned building and provides a particularly beneficial use in developing a mixed-use, multi-family development for residents and consumers of the community.

Granting the variances will likewise not result in a substantial impairment to the intent and purpose of the zone plan or zoning ordinance. The proposed mixed-use is compliant with the conditions of the B-2 District.

The proposed project is also consistent with the 2019 Master Plan Update in advancing several goals/objectives of the 2019 Master Plan Reexamination, including;

Objective 9. "Promote a Desirable Visual Environment"

Objective 11. "Encourage Economic Development, Redevelopment and Rehabilitation in Downtown and Other Commercial Areas That Is Compatible with the Character of the Township"

Objective 13. "Improve and Maintain Existing Residential Neighborhoods"

Objective 16. "Encourage Economic Development and Redevelopment That Is Compatible with the Suburban Character of the Township"

Principle 1: "Encourage Appropriate Residential Development"

"Appropriate residential development" can vary in different locations and contexts throughout the Township. In particular, mixed-use development that includes multifamily residential is appropriate in various commercial districts and other developed locations in the Township.

Principle 2. "Properly Locate Public, Commercial/Retail, Industrial, Residential and Service Uses"

D. Other Recommendations: "Permit mixed-use development and multifamily residential in certain business districts and other focus areas."

CONCLUSION

The requested variances are justified and meet the positive and negative proof standards and therefore can be granted. The applicant reserves the right to supplement the foregoing reasons with expert testimony at the Planning Board Hearing.

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