

MEMORANDUM

TO: Township of West Orange Zoning Board of Adjustment

FR: Gerard M. Haizel, PP, AICP, Principal 

RE: ZB-24-07 – 750 Eagle Rock Avenue
Block 174, Lot 1.01

DT: June 21, 2024

The following is prepared on behalf of the West Orange Zoning Board. The information is for advisory purposes only and is intended to assist the Board's decision-making process. Below are descriptions of the projects based on the supplied plans and documentation as well as commentary on issues evident from them.

Items Reviewed

In preparation of this report, I have reviewed the following items:

- Township of West Orange Application form for the Planning or Zoning Board of Adjustment, dated April 30, 2024.
- Proposal/Project Narrative, Application of Crestmont Country Club, 750 Eagle Rock Avenue, Block 174, Lot 1.01, dated April 22, 2024.
- Correspondence: Site Plan Check List Waiver Request, from James Bash, PE, of Van Cleef Engineering, dated April 9, 2024.
- Resolution: Township of West Orange Planning Board, PB-23-06 Crestmont Country Club/750 Eagle Rock Avenue, Block: 174 Lot: 1.01; Zone: R-2, Decided on July 5, 2023, Memorialized on July 19, 2023, Minor Site Plan Approval.
- Photographs/Exhibits: Exterior of 24-Foot Modular Trailer & Double-Wide Floor Plan.

Project Summary

On property located in the Township's ***R-2 (One-Family Dwellings on 40,000-SF Lots)***, the applicant, **Crestmont Country Club**, proposes the installation of a 1,248-SF modular

accessory dwelling in the northeastern area of the subject property. The proposed modular dwelling would be occupied by the “seasonal employees.” The subject site, which encompasses 146.7-acres, is used as a country club, and includes a golf course, tennis courts and swimming pool facilities. The existing country club use is permitted in the R-2 zone. However, the proposed accessory dwelling **is not a permitted accessory use** to the principal country club use. The applicant is also seeking a minor site plan approval.

Required Variances

Use (Accessory Dwelling) –

Pursuant to the Township of West Orange Zoning Ordinance **§25-7.1- Table of District Regulations – Part A: Permitted Uses**, accessory dwelling units are **not permitted** as an accessory use to the principal country club and the applicant proposes a modular accessory dwelling on the site of the existing country club. **A D(1)-variance is required to allow the proposed accessory dwelling use on the subject site in the R-2 zone.**

Project Description

The subject site is a 146.7-acre property, which is currently used as a country club. The property includes a golf course, tennis courts, swimming pools and a club house. The applicant proposes to install a 1,248-SF modular accessory dwelling structure on the property, to accommodate seasonal employees. The modular structure will be situated in the northeastern area of the property in the northeastern corner of a parking lot, adjacent to the egress on to Eagle Rock Avenue.

The proposed structure will have dimensions of 24-feet by 54-feet and will be setback 214.08-feet from the front property line on Eagle Rock Avenue, approximately 4,300-feet from the rear property line and 38.36-feet from the eastern side property line. The proposed dwelling will be located approximately 430-feet from the closest residential property to the east.

On the southern side of the parking lot from the proposed location of the dwelling, is an existing 1-story structure, which is surrounded by a thicket of trees, which would effectively obscure the dwelling from direct view from the club house.

The area of the parking lot where the dwelling will be located is currently striped for two rows of head-to-head stalls. Plans call for a portion of the striping for four (4) parking spaces on the northernmost row to be removed to accommodate the dwelling. The existing island

at the end of the row to the immediate south will also be reconfigured. A series of bollards are proposed on the western and southern perimeter of the dwelling, to provide protection and separation from the surrounding circulation aisles in the parking lot.

The floor plan of the proposed dwelling, as provided by the applicant, will include a 19-foot by 11-foot living room, surrounded by a kitchen and dining area, a full bathroom, two (2) bedrooms, each measuring 9.6-feet by 11-feet and 10.1-feet by 8.75-feet and a 13.5-foot by 11-foot master bedroom, which will include a second full bathroom. A utility room, which will include laundry facilities, is also included.

Site & Area Description

Street Address: 750 Eagle Rock Avenue
Block & Lot: Block 174, Lot 1.01
Zoning District: R-2 (One-Family Dwellings on 40,000-SF Lots) Zone
Total Site Area: 146.7-Acres (in West Orange)

Location Map



Location Map – The subject site is located on the southern side of Eagle Rock Avenue. The entire site encompasses over 146.7-acres within the Township of West Orange. To the east of the site are residential properties fronting on Eagle Rock Avenue and Ferris Drive.

Photo Survey



Photo 1: Aerial view of the subject property, located at 750 Eagle Rock Avenue, showing the proposed location of the modular dwelling structure on the perimeter of a parking lot.



Photo 2: View of the subject site from the northeast, looking towards the clubhouse and main parking area. To the south of the accessory dwelling location is a 1-story building surrounded by thick vegetation.



Photo 3: View looking northeast across the parking lot towards the proposed location of the accessory dwelling structure.

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Block 174, Lot 1.01**



Photo 4: View looking towards Eagle Rock Avenue from the proposed accessory dwelling location.

Planning Considerations

The subject site is located within the ***R-2 (One-Family Dwellings on 40,000-SF Lots) District***. Among the permitted principal and accessory uses in this district are:

Permitted Principal Uses

- One-Family Detached Dwellings
- Water Reservoir, Well Tower, Filter Bed
- Federal, State, County or Township Buildings
- Golf Course and Golf Club House
- Farm, Nursery, Greenhouse and Similar Uses
- Hospitals
- Senior Citizens Housing Projects (*Sect. 25.4*)

Permitted Accessory Uses

- Required accessory parking
- Private garage
- Horticultural or agricultural building
- Customary accessory building or structure
- Private swimming pool
- Private recreation facility
- Home occupation
- Home professional office Signs
- Fences and dividing walls
- Farm produce stand for produce grown on premises
- Private storage shed
- Greenhouse

Pursuant to the Township of West Orange Zoning Ordinance **§25-7.1- Table of District Regulations – Part A: Permitted Uses**, accessory dwelling units are **not permitted** as an accessory use to the principal country club use on the site.

The chart below has been created to identify bulk deficiencies.

Standard	Permitted/Required (<i>R-2 District</i>)	Proposed	Variance Required
Use	Golf Course, Cub House & Customary Accessory Buildings and Structures	Accessory Dwelling Unit	Yes
Min. Lot Area	40,000-SF	189-Acres	No
Max. Building Height (<i>Accessory Building</i>)	1½ -Stories / 15-Feet	1-Story / <15-Feet	No / No
Min. Front Yard Setback	35-Feet	214.08-Feet	No
Min. Side Yard Setback	20-Feet (<i>Each Side</i>)	38.36-Feet	No
Min. Rear Yard Setback	45-Feet	±4,300-SF	No
Max. Lot Coverage	30%	6.76%	No

Standards for Granting Variance Relief

D – (Use) Variances

The MLUL (Municipal Land Use Law) at **N.J.S.A. §40:55D-70d** sets forth the standards for variances from the regulations pursuant to Article 8 of this act. A D-Variance is warranted to permit:

- 1) a use or principal structure in a district restricted against such use or principal structure,
- 2) the expansion of a nonconforming use,
- 3) deviation from a specification or standard pertaining solely to a conditional use,
- 4) an increase in the permitted floor area ratio,
- 5) an increase in the permitted density (*except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots either isolated undersized lot or lots resulting from minor subdivision*) or
- 6) a height of a principal structure which exceeds by 10 feet or 10%, the maximum height in the district for a principal structure.

A D-variance may be granted where the applicant shows to the satisfaction of the Board, that “*special reasons*” exist to warrant the granting of the variance. *Special reasons* may include that the use is inherently beneficial, that the property owner would suffer undue hardship if required to use the property in accordance with the permitted uses and standards for the zone, or that the site is particularly suited for the proposed use **and** thereby promotes the general welfare.

The applicant must **also** demonstrate that the requested relief will not result in any substantial detriment to the public good, nor substantial impairment to the zoning ordinance or zone plan. A variance under this subsection is granted only by **affirmative votes of at least five members**.

C - (Bulk) Variances

The Municipal Land Use Law (MLUL) at **N.J.S.A. 40:55D-70c** sets forth the standards for variances from the bulk regulations of a zoning ordinance.

C(1) Variance - The Board must find that there is either undue hardship or practical hardship with the strict application of the zoning requirements as stipulated in the Zoning & Land Use Regulations, as a result of:

- a) exceptional narrowness, shallowness or shape of a specific property, or
- b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or
- c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

C(2) Variance – The Board must find that the proposed deviation from the Zoning & Land Use Regulations will advance the purposes of the MLUL and that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent an purpose of the zone plan and zoning ordinance. The benefits identified in granting a C(2) variance must include benefits to the community as a whole, not only the applicant of the property owner.

Planner's Comments

The applicant proposes the installation of a 1,248-SF modular accessory dwelling in the northeastern area of the subject property. The proposed modular dwelling would be occupied by the "seasonal employees." The subject site, which encompasses 146.7-acres, is used as a county club, and includes a golf course, tennis courts and swimming pool facilities. The existing country club use is permitted in the R-2 zone. However, the proposed accessory dwelling **is not a permitted accessory use** to the primary country club use. **As such, a D(1)-variance is required to permit the modular accessory dwelling on the subject site.**

The applicant indicates in their application, that the proposed modular dwelling will be used to house seasonal employees. **The applicant should provide testimony explaining the need for and proposed use of the proposed accessory dwelling on the site. Testimony should address the nature of the seasonal employment, the number of employees that will reside in the dwelling, and the duration of their residency. The applicant should indicate whether or not this facility replaces any existing on-site arrangement for accommodating seasonal workers.**

The applicant should also provide testimony describing the proposed modular dwelling structure. Testimony should include the size and layout of the structure and how water, gas, electric and sanitary sewer service will be facilitated.

Recommended Conditions of Approval

Should the Board be inclined to grant the requested variance relief in full or in part, or to approve the accompanying site plan, the following are recommended conditions that should be placed on the approvals.

1. The applicant shall comply with all conditions and comments provided by the Board Engineer.
2. The applicant shall provide testimony explaining the need for and proposed use of the proposed accessory dwelling on the site. Testimony shall address the nature of the seasonal employment, the maximum number of employees that will reside in the dwelling at any time and the duration of their residency. The applicant shall also indicate whether or not this dwelling replaces any existing on-site arrangement for accommodating the seasonal workers.

3. The applicant shall provide testimony describing the proposed modular dwelling structure. Testimony shall include the size and layout of the structure and how water, gas, electric and sanitary sewer service will be facilitated.