



MEMORANDUM

TO: Township of West Orange Planning Board

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

RE: PB-24-12 – 17 Fairway Avenue
Block 179.03, Lot 9

DT: July 15, 2024

The following is prepared on behalf of the West Orange Planning 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.
- ✓ Correspondence: Project Proposal, 17 Fairway Avenue, West Orange, prepared by Montclair Real Estate Law Group (MRLG).
- ✓ Minor Subdivision Map, Lot 9 in Block 179.03, Township of West Orange, Essex County, New Jersey, consisting of one (1) sheet, dated 10-24-2023, with revision dated 03-04-2024, prepared by Richard J. Hingos, PLS of Richard J. Hingos, Inc.

Project Summary

On property located in the Township's ***R-6 (One-Family Dwellings on 6,000-Square Foot Lots) District***, the applicant, ***Estate of Rita Berman***, proposes to subdivide an existing lot, Lot 9, with an existing single-family dwelling, into two (2) new lots, designated as Lots 9.01 and 9.02. New Lot 9.01 will contain the existing single-family dwelling, while new Lot 9.02 will be vacant.



The existing single-family dwelling **is permitted** in the R-6 District. However, the proposed subdivision will create a condition that does not meet the bulk and design requirements for the District. Preliminary and final site plan approval is also required for this application.

Required Variance Relief

Rear Yard Setback (New Lot 9.01) – Pursuant to the Township of West Orange Zoning Ordinance **§25-7.1, Part B**, a minimum rear yard setback of 30-feet is required, and the applicant proposes a rear yard setback of 17.94-feet. **A C-variance is required to a lesser front yard setback than required.**

Project Description

The subject site is a 15,939-SF corner lot with frontage on Fairway Avenue to the south and Barbara Avenue to the west. The site is currently improved with an existing 1½-story single-family dwelling. The applicant proposes to subdivide the existing lot, which is designated as Lot 9, into two new lots, which will be designated as Lots 9.01 and 9.02.

New Lot 9.01 will be located on the southern side of the parcel, directly on the northeastern corner of the intersection of Fairway and Barbara Avenues. Lot 9.01 will encompass 9,459-SF and will contain the existing single-family dwelling. Following the subdivision, the existing structure will be setback 28.69-feet from the southern (front) property line on Fairway Avenue, 17.94-feet from the rear (northern) property line, 28.89-feet from the side front property line on Barbara Avenue and 14.4-feet from the eastern side property line.

New Lot 9.02 will be located to the north of new Lot 9.01 and will front entirely on Barbara Avenue. Lot 9.02 will encompass 6,480-SF and will be vacant following the proposed subdivision.



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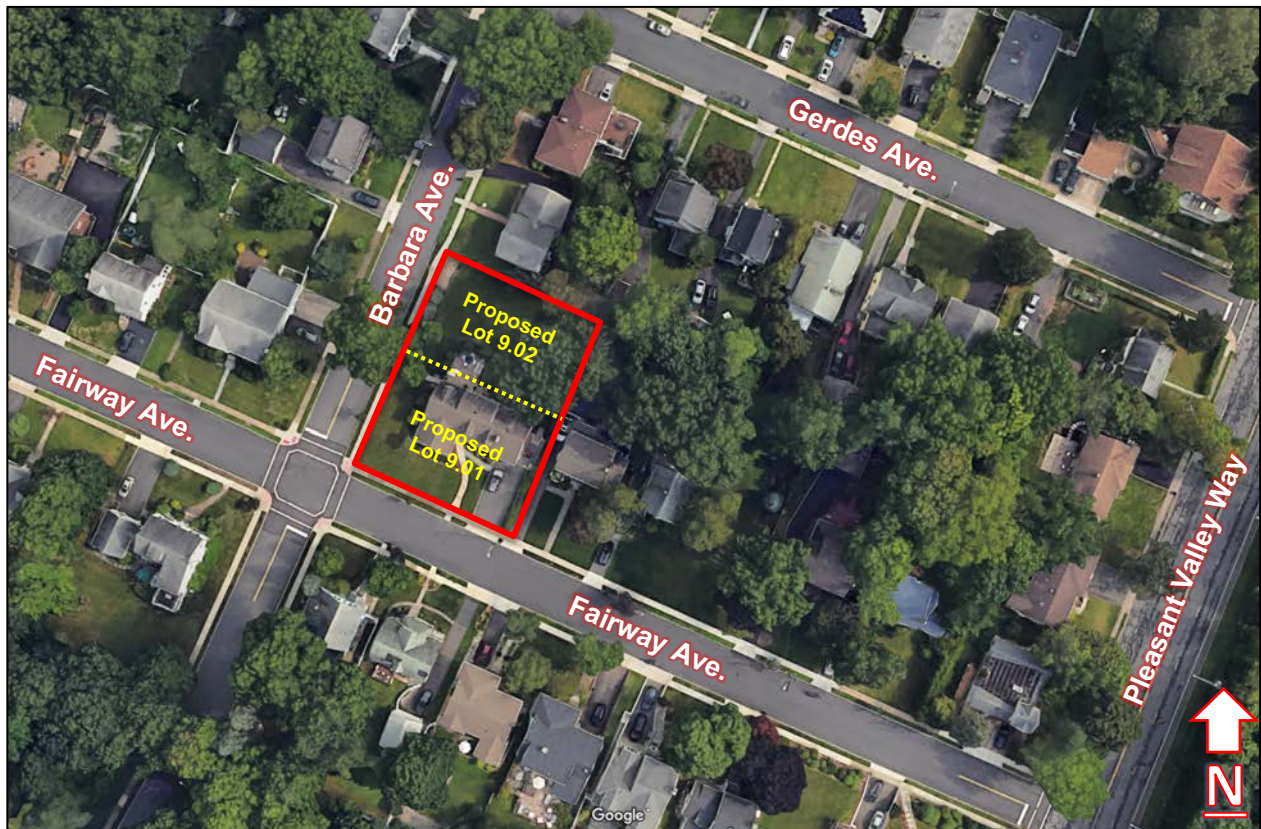
17 Fairway Avenue

Block 179.03, Lot 9

Site & Area Description

Street Address: 17 Fairway Avenue
Block & Lot: Block 179.03, Lot 9
Zoning District: R-6 (One-Family Dwellings on 6,000-Square Foot Lots) District
Total Site Area: 15,939.99-SF (New Lot 9.01: 9,459.92-SF, New Lot 9.02: 6,480-SF)

Location Map



Location Map – The property in question is outlined in red on the Google aerial map above. The proposed subdivision line is demarked by the yellow dashed line. Surrounding the subject site on all sides are detached single-family dwellings similar to the existing one on subject site.



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17 Fairway Avenue

Block 179.03, Lot 9

Photo Survey



Photo 1: View of the subject property located at 17 Fairway Avenue from the south on Fairway Avenue.

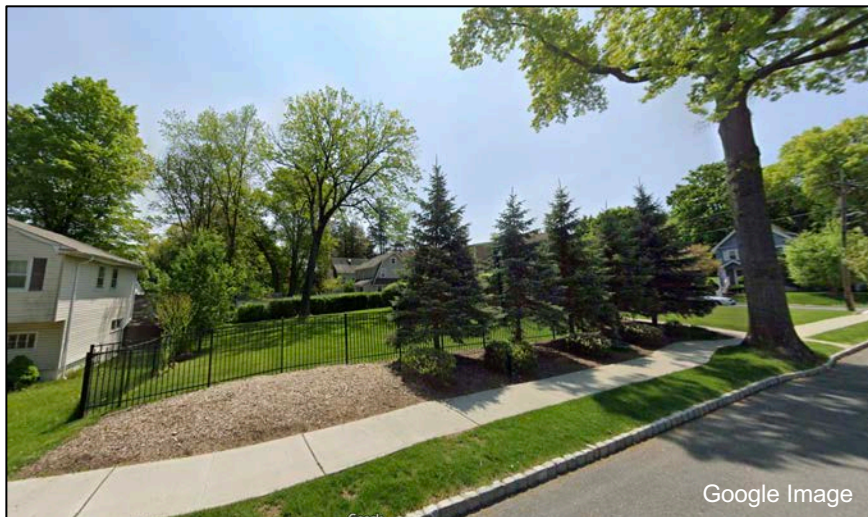


Photo 2: View of the rear of subject property from the west on Barbara Avenue. This will be the frontage of new Lot 9.02, following the subdivision.



Photo 3: View of the subject property from the northwest on Barbara Avenue. Visible is the rear of the existing single-family dwelling and the area of the site that will be subdivided off.



Planning Considerations

The subject site is located within the **R-6 (One-Family Dwellings on 6,000-Square Foot Lots) District**. Among the permitted principal uses in this district are:

- One-family, detached dwellings
- Water reservoirs, well towers, filter beds
- Federal, State, County or Township buildings
- Golf course and golf club houses
- Farm, nursery, greenhouse and similar uses
- Hospitals

The chart below has been created to identify bulk deficiencies.

Required Standard	Permitted in R-6 District	Proposed New Lot 9.01	Proposed New Lot 9.02	Variance Required
Use	Single-Family Detached Dwelling	Single-Family Detached Dwelling	Vacant	No
Min. Lot Area	6,000-SF	9,459.88-SF	6,480-SF	No
Min. Lot Width	60-Feet	108.02-Feet	60-Feet	No
Max. Building Height (Stories / Feet)	2.5-Stories / 35-Feet	1.5-Stories	N/A	No
Min. Front Yard Setback	30-Feet	28.69-Feet	N/A	No*
Min. Side Front Yard Setback	20-Feet	28.89-Feet (West Side)	N/A	No
Min. Side Yard Setback	10-Feet + 8-Feet	14.44-Feet (East Side)	N/A	No
Min. Rear Yard Setback	30-Feet	17.94-Feet	N/A	Yes
Max. Building Coverage	35%	21.15%	N/A	No
Max. Lot Coverage	45%	38.59%	N/A	No

Note: * - Existing Non-conforming Condition



Standards for Granting Variance Relief

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. The benefits identified in granting a C(2) variance must include benefits to the community as a whole, not only the applicant or the property owner. Here too, the Board must be satisfied 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 Township.

Planner's Comments

The applicant proposes to subdivide an existing lot, Lot 9, with an existing single-family dwelling, in to two (2) new lots, Lots 9.01 and 9.02. New Lot 9.01 will contain the existing single-family dwelling, while new Lot 9.02 will be vacant. **The proposed subdivision will result in two (2) conforming sized lots.**

The existing single-family dwelling **is permitted** in the R-6 District, where the site is located. However, the proposed subdivision will create at least one condition that does not meet the bulk and design requirements for the District.

Specifically, the proposed subdivision will trigger the need for a variance to permit a lesser rear yard setback than required. Whereas a minimum rear yard setback of 30-feet is required, following the proposed subdivision the rear yard setback on Lot 9.01 will be 17.94-feet.



Because the subject site is a corner lot, the existing house on new Lot 9.01 is oriented towards Fairway Avenue, while the proposed new Lot 9.02 will be oriented towards Barbara Avenue. **As such, the rear yard of new Lot 9.01 will abut the side yard of new Lot 9.02, with a distance of 27.94-feet between the existing house and the southern side of a conforming structure on Lot 9.02. This is the approximate side yard distance between the houses on the surrounding lots in the area. Notwithstanding this situation, the existing single-family dwelling on new Lot 9.01, will have a substantially smaller rear yard.**

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. None.