

STONEFIELD

September 10, 2024
Township of West Orange
West Orange Zoning Board of Adjustment
66 Main Street,
West Orange, NJ 07052

RE: Planning Memo
Applicant: Wonder Group, Inc.
Block 152.01, Lot 1445.01
481 Eagle Rock Avenue
West Orange, Essex County, NJ

Greetings:

Stonefield Engineering & Design, LLC ("Stonefield") has prepared this Variance Justification Memo to provide details of the proposed use and justification for variance relief pursuant to N.J.S.A. 40:55D-70.

Project Description

Wonder Group, Inc. (hereinafter "The Applicant") proposes to expand the existing outdoor barbeque area of a catering facility located on Block 152.01, Lot 1445.01, also known as 481 Eagle Rock Avenue in West Orange. The subject property is approximately 10.93 AC (476,210 SF) and is located within the B-2 General Business Zone and IHO-1 Inclusionary Housing Overlay. The site is an irregularly shaped interior lot bounded by an undeveloped wooded area to the north, residential development to the west, Eagle Rock Avenue to the south, and the West Orange Plaza commercial building to the east.

Under existing conditions, the site is occupied by a 2-story building which previously operated as the Mayfair Farms banquet hall central to the site and an outdoor barbeque area with two (2) outdoor wood-fired meat smokers located beneath a frame canopy in the northeast portion of the site. An existing commercial kitchen is located in the basement of the former banquet hall and is currently utilized for cooking and food preparation for consumption off-site. The applicant utilizes both the indoor commercial kitchen space within the basement of the existing building and the outdoor barbeque area to prepare food for delivery off-site through a catering service.

Additionally, the site contains three (3) surface parking areas which provide approximately 228 parking spaces in the southern portion of the site and an asphalt driveway and parking area which provide approximately 50 employee parking spaces in the northeast portion of the site. The northwest corner of the site contains an open landscaped area previously used as a part of the banquet facility. The site is currently accessed via two (2) one-way driveways and one (1) two-way driveway along Eagle Rock Avenue. The surrounding area consists primarily of commercial and residential development along Eagle Rock Avenue.

The project proposes to expand the outdoor barbeque area to provide an additional ten (10) wood-fired meat smokers on-site beneath two (2) additional frame canopies. Additional exterior improvements to the rear of the property include two (2) walk-in coolers and one (1) blast chiller to provide additional food storage on-site, and a carport with ancillary walkways to provide shelter to parked delivery vehicles in support of existing delivery operations. The outdoor smokers are proposed to help support the current barbeque offerings that the applicant provides. The existing 2-story building is to remain and will continue to operate as an indoor food preparation facility. The existing surface parking areas and landscaped area are to remain. Additional site improvements include stormwater management improvements and updated sidewalk infrastructure on-site.

Food production is not a permitted use in the B-2 Business District or the IHO-1 Inclusionary Housing Overlay, therefore a "d(1)" use variance is required for the proposed development.

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Interpretation Justification

The applicant is requesting an interpretation of §25-7.1-Zoning District Regulations to determine whether the applicant's use of the former Mayfair Farms banquet facility as a catering establishment continues to be a legally non-conforming use. Furthermore, the applicant previously received approval from the Zoning Officer to operate a small catering use in the basement of the former banquet hall and in the rear of the site and is ultimately seeking approval to continue the existing catering use operation through the addition of outdoor smokers. The use of the site has continued to be a catering facility through its transition from originally focusing on on-site catering to off-site catering and delivery. However in the event that the Zoning Board of Adjustment's interpretation of the zoning ordinance results in a determination that the use is not continuing the previously approved non-conforming use, justification for a "d(1)" use variance is provided below.

d(1) Use Variance Relief Justification

Pursuant to N.J.S.A. 40:55D-70d, the board has the power to grant d(1) use variances, "in particular cases and for special reasons." The legal basis for relief is established under the Medici v BPR Co. (1987) case, which provides the appropriate justification standard for non-inherently beneficial use variance applications. The positive criteria is demonstrated by a showing that the site is particularly suitable for the proposed use, and that special reasons exist because the project advances one or more of the Purposes of the Municipal Land Use Law. In the case of the proposed application, the following supports the positive criteria for a d(1) use variance:

Site Suitability Criteria:

Previous Banquet Hall Use – The site previously operated as the Mayfair Farms banquet hall, where food was prepared for large groups of people to consume on-site during events and conferences. The existing and proposed use seeks to continue this operation to prepare food for consumption off-site, which is a much less intense utilization of the former banquet hall. Both the former and proposed use are considered a type of catering establishment as defined in *The Complete Illustrated Book of Development Definitions Fourth Edition*, with the only distinction being that the proposed catering establishment delivers their prepared food to a home, social hall, or another off-site venue, rather than the former catering establishment where food was served on-site in a formal setting, which is considered a banquet facility. Due to the high intensity of previous operations on-site, the site is anticipated to be suitable for the proposed use, which provides catering services on a much smaller scale.

Reutilizes Existing Building – The existing and proposed use utilizes the existing banquet hall kitchen and outdoor barbeque area and does not require any major site improvements for expansion. The proposed improvements only result in a 0.5% increase in impervious coverage and a 0.3% increase in building coverage, leaving the pervious open space in the northwestern portion of the site undisturbed. Because the proposed use does not require any major site improvements for expansion and can reutilize existing facilities, the site is anticipated to be suitable for the proposed use.

Lot Size – Due to the large size of the property and the placement of existing facilities, the proposed smokers would be completely out of sight from the roadway and any nearby residential properties. Visibility from the roadway and nearby residences is obscured by the existing banquet hall building and existing landscaping throughout the site. The nearest residential boundary is approximately 570 FT from the closest barbeque smoker, and the outdoor barbeque area would only be visible from the rear of the West Orange Plaza to the east of the site. Therefore, any potential negative impact from the proposed meat smokers would be mitigated due to the expansive size of the property.

Special Reasons Criteria:

The proposed development aligns with the goals of the B-2 Business Zone to continue to maintain a balance of non-residential land uses and to encourage appropriate locations within the zone for open space. The proposed use encourages the preservation of open space and the well-being of the environment through the reutilization of the existing space on-site, which aligns with purpose "j" of the MLUL. The proposed outdoor barbeque area will not be visible from the roadway or to nearby residential development. This aligns with purpose "i" of the MLUL by promoting a desirable visual environment through

good civic design and arrangement. Lastly, the proposed use provides sufficient space in an appropriate location for the existing and proposed catering facility, which aligns with purpose “g” of the MLUL.

The variances can be granted without substantial detriment to the public good, and will not substantially impair the intent and purposes of the zone plan and zoning ordinance. The proposed development aligns with the goals of the Township’s 2019 Master Plan and Reexamination report to encourage development at an appropriate scale, as the proposed operations require minor site improvements with minimal increase to impervious coverage on-site. Furthermore, environmental testing completed by AECOM at the request of the applicant concludes that the proposed meat smokers are not anticipated to release any significant pollutants or contaminants that will negatively impact the environment or nearby residential development. The proposed development can take advantage of the existing infrastructure on-site without any major site improvements or increase to traffic, intensity, noise, or impervious coverage on-site, whereas other permitted uses in the zone, such as a retail center or commercial gym, would require total redevelopment of the site and therefore a significant increase in environmental impact. The proposed development is in line with purposes “j,” “i,” and “g” of the MLUL and meets the Township’s need to maintain open space while implementing a variety of land uses.

Conclusion

Based on a review of the subject property, surrounding area, and applicable zoning requirements, it is concluded that the application’s benefits substantially outweigh the detriments, and that the application can be approved without substantial detriment to public good or substantially impairing the intent and purposes of the zone plan and zoning ordinance. Additionally, it is concluded that the “Medici Standard” has been met for the requested use variance. It is the opinion of our office that the statutory criteria has been met for all relief required as presented by the planning proofs and the justifications presented in this report.

Regards,



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