

MEMORANDUM

TO: Township of West Orange Planning Board

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

RE: PB-24-13 - 993 Pleasant Valley Way
Block 172.02, Lot 6

DT: September 13, 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 July 1, 2024.
- ✓ Correspondence: Submission Waiver Checklist For Minor Site Plan requesting waivers on the submission of ten (10) checklist items.
- ✓ Correspondence: Project Proposal, PB-24-13 IMMC Health/CACS, 993 Pleasant Valley Way, Block 172.02 Lot 6; Zone: B-2, dated 8-5-2024, from Derek W. Orth, Esq. of Inglesino Taylor, Attorneys at Law.
- ✓ Architectural Plans titled Minor Site Plan Review, 993 Pleasant Valley Way, West Orange, NJ, Addition of Second Floor Mixed Use Space B-2 Zone, consisting of ten (10) sheets, dated 4-02-2024, prepared by William J. Gentile, AIA of Square Center LLC., Architectural Design.
- ✓ Resolution: "West Orange Planning Board Technical Review, Starlite Restaurant & Pizzeria, Inc., 993 Pleasant Valley Way, West Orange, New Jersey 07052, Block No. 172.02, Lot No. 6, Zone B-2, Application #PB-03-19T."
- ✓ Resolution: "Starlite Restaurant & Pizzeria, Inc., 993 Pleasant Valley Way, West Orange, New Jersey 07052, Block No. 172.02, Lot No. 6, Zone B-2, Resolution Of

The Planning Board of the Township Of West Orange Technical Review Committee Granting Technical Site Plan Approval Without Variances To Continue To Operate A Restaurant And Pizzeria."

Project Summary

On property located in the Township's **B-2 General Business District**, the applicant, **IMMC Health/CACS**, proposes a second story addition to an existing 1-story commercial building. The applicant proposes to convert the property to a mixed-use building, with the addition of a one-bedroom dwelling unit and a business office in the new 2nd floor addition, with the existing medical office on the 1st floor to remain as is.

Pursuant to the Township of West Orange Zoning Ordinance **§25-24.2b2(m)**, the proposed mixed-use development **is permitted as a conditional use** in the B-2 District. This means that the proposed development must meet specific conditions in order to be permitted in the District. **The proposed development meets all the conditional use requirements.** However, the proposed development does not meet all the bulk and design requirements for the District. The applicant is requesting minor site plan approval.

Required Variance Relief

Lot Coverage – Pursuant to the Township of West Orange Zoning Ordinance **§25-7.1, Part B**, a maximum lot coverage of 60% is permitted, and the applicant proposes a lot coverage of 76.95%.

The applicant previously received a variance from this Board to permit a lot coverage of 75.73%, which was a reduction from the then existing level of 82%. However, in their existing conditions chart, the applicant indicates that the existing lot coverage remains at 82%. **A C-variance is required to permit a greater lot coverage than permitted.**

Parking – Pursuant to the Township of West Orange Zoning Ordinance **§25-12.2b**, for the medical office use, one (1) parking space is required for each 150-SF of gross floor area (GFA). The applicant proposes a GFA of 2,538-SF of medical office space on the 1st floor and 864-SF on the 2nd floor, requiring twenty-three (23) off-street parking spaces.

Additionally, pursuant to the Township of West Orange Zoning Ordinance **§25-12.2a**, 1.8-parking spaces is required for a one-

bedroom apartment. The applicant proposes a one-bedroom apartment on the 2nd floor, requiring two (2) off-street parking space. A total of twenty-five (25) off-street parking spaces are required for the development and the applicant proposes twenty-one (21) spaces. **A C-variance is required to permit a lesser number of off-street parking spaces than required.**

Requested Checklist Submission Waivers

The applicant is requesting waivers from the Township of West Orange *Site Plan/Subdivision Checklist*, for the submission of the following items:

- **Item No. 29** - Existing right of ways within 200' of tract
The Applicant requests a partial waiver. Applicant's plans detail streets adjacent to the site. Given that Applicant is seeking minor site plan approval, and in conjunction with the fact that the majority of the Applicant's proposed improvements are internal to the existing structure located on the Property Applicant submits that a partial waiver is appropriate.
Planner's Comments: *No objection to the granting of this waiver request.*
- **Item No. 35** - Drainage calculations
This item is only required if deemed necessary by the Planning Board. Applicant proposes to utilize existing utility connections which are set forth on survey and architectural plans. Given that Applicant is seeking minor site plan approval, and in conjunction with the fact that the majority of the Applicant's proposed improvements are internal to the existing structure located on the Property, Applicant submits that a partial waiver is appropriate.
Planner's Comments: *No objection to the granting of this waiver request.*
- **Item No. 36** - Proposed utility infrastructure plans, sanitary sewer, etc.
Applicant requests a complete waiver. Applicant proposes to utilize existing utility connections which are set forth on survey and architectural plans. Given that Applicant is seeking minor site plan approval, and in conjunction with the fact that the majority of the Applicant's proposed improvements are internal to the existing structure located on the Property, Applicant submits that a waiver is appropriate.
Planner's Comments: *No objection to the granting of this waiver request.*
- **Item No. 44** - Lighting plan and details
Applicant requests a partial waiver. Existing utility structures are indicated on plan sets.

Planner's Comments: *We object to this waiver being granted. The applicant proposes to add a new residential use to the site. As such the applicant shall ensure that the lighting levels across the site are in compliance with the required standards, pursuant to Township of West Orange Zoning Ordinance §25-14.3.*

- **Item No. 45** - Landscape plans and details prepared by landscape architect
Applicant requests a partial waiver. Proposed landscaping improvements, which are minor, are set forth on Applicant's architectural plans.

Planner's Comments: *No objection to the granting of this waiver request. As indicated above, the landscaping being proposed seems to already be existing/installed.*

- **Item No. 46** - Solid waste management plan
Applicant requests a complete waiver. Given that Applicant is seeking minor site plan approval, and in conjunction with the fact that the majority of the Applicant's proposed improvements are internal to the existing structure located on the Property, Applicant submits that a waiver is appropriate.

Planner's Comments: *No objection to the granting of this waiver request.*

- **Item No. 47** - Site identification signs, traffic control signs, and directional signs
Applicant requests a temporary waiver. The Applicant intends to install site identification signs in conformance with the Township's sign ordinance. With regard to traffic control and directional signage, the Applicant intends to develop the same in consultation with the Board and the Board's professionals in the course of the application, particularly given the unique location of the subject Property.

Planner's Comments: *No objection to the granting of this waiver request.*

- **Item No. 48** - Sight triangles
Applicant requests a temporary waiver. Applicant will produce sight triangles prior to a public hearing on the Application.

Planner's Comments: *We object to this waiver being granted. The Applicant must provide the sight triangle illustrations as required, prior to being scheduled for a meeting so that the Board's Professionals may have ample time to evaluate them.*

- **Item No. 49** - Vehicular and pedestrian circulation patterns
Applicant requests a partial waiver. Applicant's architectural plans detail the existing site circulation. The Applicant intends to develop the same in consultation with the Board and the Board's professionals in the course of the application, particularly given the unique location of the subject Property.

Planner's Comments: *No objection to the granting of this waiver request.*

- **Item No. 52** - Plans and legal documents for COAH compliance
Applicant is proposing internal renovations to an existing structure. The proposed use is non-residential. As such, the Applicant is exempt from inclusionary ordinances and the non-residential development fee.
Planner's Comments: *We object to this waiver being granted. The Applicant proposes the addition of a residential use to the site. As such the applicant should address this item as part of their testimony.*

Project Description

The subject site is a 18,645-SF irregular-shaped corner lot with frontage on Pleasant Valley Way to the east and Mt. Pleasant Avenue to the south. The site is improved with a 1-story masonry building, which is used as a professional/medical office. The applicant proposes to construct a 2nd floor addition to the building, to accommodate a one-bedroom dwelling unit and 864-SF of additional office space.

The existing building is setback 9.64-feet from the eastern (front) property line on Pleasant Valley Way, 33.2-feet from the rear property line and 48.5-feet and 4.64-feet from the northern and southern side property lines.

Access to the proposed 2nd floor will be from a proposed common entry located at the eastern end of the southern façade, where there is an existing entry into the medical office. This existing entry will be modified to accommodate a new vestibule and staircase up to the new 2nd floor. An entry from the proposed vestibule into the 1st floor office will be located to the eastern side of the vestibule.

On the 2nd floor landing, there are two (2) doors proposed, with one on the right (northern) side and the other directly ahead on the western side. The door directly ahead, will open to a proposed 372-SF business office. From this office there is proposed a hallway, which will extend to the west. On the right (northern) side of the hallway is a proposed an ADA-compliant restroom, while on the opposite side is a proposed a 133-SF accounting office, which will also include a restroom. At the end of the hallway is proposed a 191-SF storage room.

The door on the northern side of the 2nd floor landing will access a 608-SF open air balcony. On the western side of this balcony is the entry door to the proposed residential unit. The entry will open to a family room, with a kitchen located to the north. Adjacent to the kitchen is a proposed a 97-SF study, located in the northeastern corner of the dwelling. On the western side of the family room is proposed a door which will access a proposed 242-SF

bedroom. On the southern side of the bedroom is proposed a full bathroom and adjoining walk-in closet.

To the west of the bedroom is a proposed laundry and utility room, which will include a spiral staircase down to the 1st floor. This staircase will extend down to a newly created room located in a larger utility room in the northeastern corner of the 1st floor. The new staircase enclosure will open to a small vestibule, which will provide direct access to the northern side yard.

Exterior

- The exterior of the proposed building will be finished with an EIF wall finish system on all facades of the building. Color coated metal panes are proposed on the bumped-out area located on the eastern (front) façade.
- A front entry canopy is proposed over the new common entry.

Landscaping

- The Current Landscape Plan shows Belgium curbed planting areas along the street fronting perimeter of the site. These planting areas are separated by the two (2) ingress/egress driveways and two walkways located on the southern (Mt. Pleasant Avenue) frontage. These planting areas contain the following:
 - Two (2) Emperor Japanese Maple trees
 - Ten (10) Crimson Pygmy Barberry shrubs
 - Ten (10) Variegated Lirope shrubs
 - Ten (10) Stella de Oro Daylily plants
 - Ten (10) Strawberry Candy Daylily plants

It should be noted here that the plantings listed above appear to already be in place.

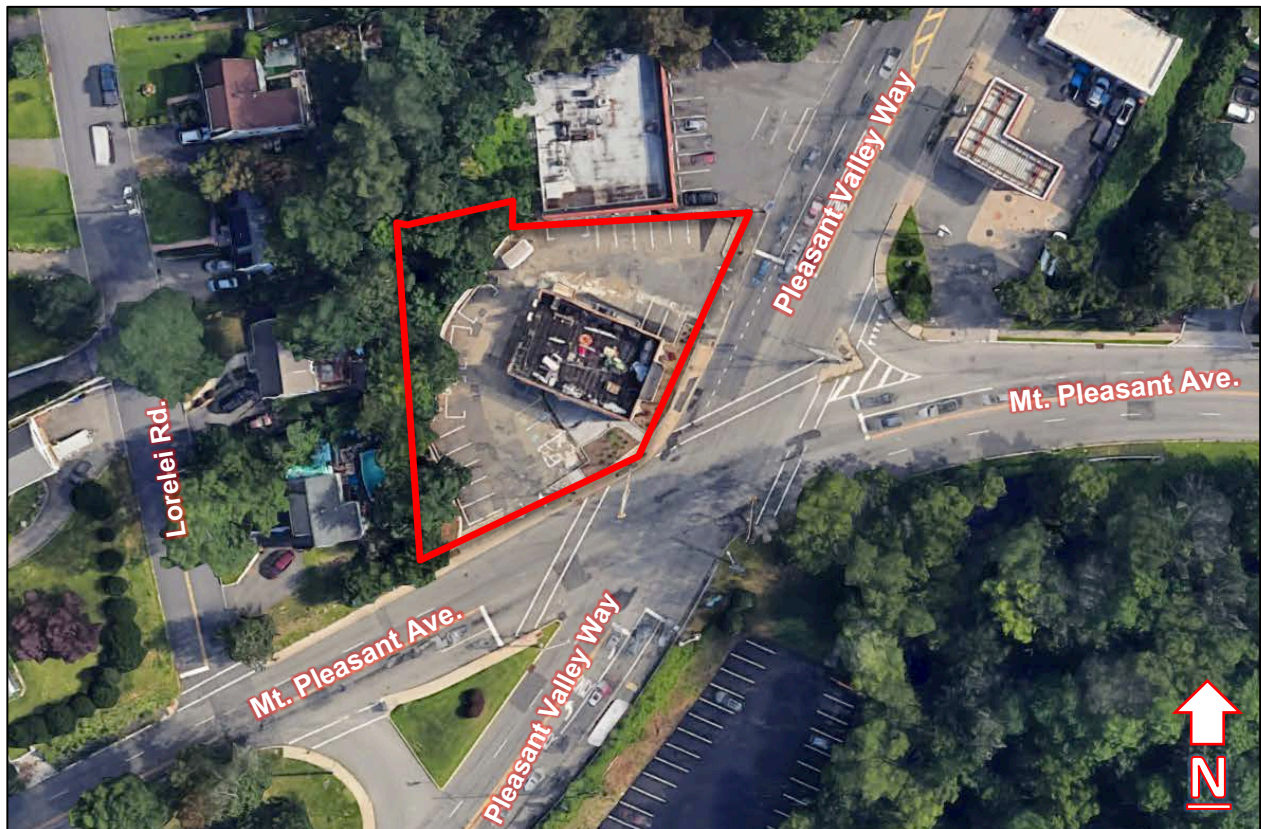
Lighting

- One (1) LED Lighting Supply 60-Watt LED Shoebox Light (MLLG-AL-LED-SB-60-50-T3) light fixture is proposed in the parking area on the western side of the site.
- Nine (9) LED Lighting Supply 80W LED Full Cutoff Wallpack (MLLG-AL-LED-WPFC-80-50-PC 1449) fixtures are proposed for the site, with three (3) proposed on the southern façade, two (2) proposed on the western façade and four (4) proposed on the northern façade.

Site & Area Description

Street Address: 993 Pleasant Valley Way
Block & Lot: Block 172.02, Lot 6
Zoning District: B-2 General Business District
Total Site Area: 18,645-SF (0.428 Ac)

Location Map



Location Map – The property in question is outlined in red on the Google aerial map above. To the north of the site is a retail plaza with several businesses, including a dry cleaner, a beauty salon and two restaurants. To the west are detached dwellings fronting on Lorelei Road. To the east, across Pleasant Valley Way from the subject site, is a gas station with auto repair service.

Photo Survey



Photo 1: View of the subject property located at 993 Pleasant Valley Way. Pictured here is the eastern frontage on Pleasant valley Way, showing the existing landscaping.



Photo 2: View of the southern frontage of the subject property. Pictured here is the location of the proposed common entry to the 1st floor office and proposed 2nd floor office and residential uses.



Photo 3: View of the northern side frontage.



Photo 4: View of the western elevation (rear) of the existing building.



Photo 5: View of the property located to the immediate north of the subject site.



Photo 6: View of the gas station and auto repair establishment located to the northeast, across Pleasant Valley Way from the subject site.

Planning Considerations

The subject site is located within the **B-2 (General Business) District**. Pursuant to the Township of West Orange Zoning Ordinance **§25-24.2b2(m)**, a mixed-use development shall be permitted as a conditional use in a B-1 and B-2 District subject to the following conditions:

- (1) Permitted uses on the ground floor of a mixed-use development shall include the following permitted uses in the B-1 and B-2 Districts: retail store, personal service store or studio, office, business or vocational school, restaurant, bar, massage, bodywork or somatic therapy establishment, and fitness center/health club.
- (2) One or more dwelling units shall be permitted on the upper floor(s) above any of the permitted ground floor uses in **§25-24.2b2(m)(1)**.
- (3) Access to upper floor uses shall be provided by means of a separate entrance than provided for ground floor uses.
- (4) Minimum lot area shall be 5,000 square feet, and the minimum street frontage of such lot shall be 50 feet.

The chart below has been created to identify bulk deficiencies.

Required Standard	Permitted	Proposed	Variance Required
Use	Mixed-Use (Ground Floor Office and Residential Above)	Mixed-Use (Ground Floor Office and Residential Above)	No
Min. Lot Area	5,000-SF	18,645-SF	No
Max. Building Height (Stories / Feet)	2.5-Stories / 35-Feet	2-Stories / 21.5-Feet	No / No
Min. Front Yard Setback	30-Feet	9.64-Feet	No
Min. Side Front Yard	25-Feet	14.46-feet	No
Min. Side Yard Setback	10-Feet (Each Side)	North Side: 32.9-Feet	No
Min. Rear Yard Setback	30-Feet	48.4-Feet	No

Max. Building Coverage	40%	48.48%	No
Max. Lot Coverage	60%	76.95%	Yes
Parking	25-Spaces <u>Medical Office:</u> 1-Spc. /150-SF of GFA - 1 st Floor: 2,538-SF/150-SF=17-spcs. - 2 nd Floor: 864-SF/150-SF=6-spcs. <u>Residential:</u> 1.8-Spcs./ unit - 2 nd Floor: 1-dwelling unit = 2-spcs.	21-Spaces	Yes

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:

- exceptional narrowness, shallowness or shape of a specific property, or
- by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or
- 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 a second story addition to an existing 1-story commercial building. The applicant proposes to convert the property to a mixed-use building, with the addition of a one-bedroom dwelling unit and a business office on the new 2nd floor addition, with the existing medical office to remain on the 1st floor. Pursuant to the Township of West

Orange Zoning Ordinance **§25-24.2b2(m)**, the proposed mixed-use development **is permitted as a conditional use** in the B-2 District. **The proposed development meets all the conditional use requirements.** However, the proposed development does not meet all the bulk and design requirements for the District.

As detailed in the Project Description above, the applicant proposes to construct a 2nd floor addition to the existing commercial structure and divide the floor between an office and a one-bedroom apartment. **It is not clear from the information provided, whether or not the proposed office is related to the medical office use on then 1st floor. It was assumed for this review, that the proposed office in the 2nd floor is an extension of the office use on the 1st floor. The applicant should provide testimony clarifying this.**

The proposed development requires a variance for exceeding the maximum permitted lot coverage. Whereas a maximum lot coverage of 60% is permitted, the applicant proposes a lot coverage of 76.95%. A lot coverage variance was previously granted to the applicant when they received site plan approval for the medical office use, to allow a greater lot coverage than permitted (*Refer to Township of West Orange Planning Board Resolution PB-22-04 dated August 3, 2022*).

At that time the Board granted a variance, which reduced the lot coverage from the existing 82% down to 75.73%, whereas the maximum permitted was 60%. **The applicant should provide testimony explaining why the existing lot coverage remains at 82% for this application and why it is being increased over the level of coverage that was previously approved in the 2022 application.**

The proposed development will also require a variance for insufficient off-street parking. Whereas a total of twenty-five (25) parking spaces are required for the combined uses on the site, the applicant proposes to provide twenty-one (21) spaces. The applicant proposes to share spaces for the residential use, with the spaces for the office use. Pursuant to Township of West Orange Zoning Ordinance §25-12.2a.2., when housing is included in mixed-use development, a shared parking approach to the provision of parking is permitted. **As such, the provided 21-spaces would be enough to accommodate the business use primarily during the day (business hours), while the resident(s) of the new 2nd floor dwelling unit would utilize the available on-site parking, which would be more than adequate after business office.**

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 provided by the Board Engineer.
2. The applicant shall provide testimony clarifying whether or not the proposed office space on the new 2nd floor will be an extension of the 1st floor medical office or completely independent.
3. The applicant shall provide testimony explaining why the **existing** lot coverage remains at 82% for this application, and why the **new** lot coverage being proposed in this application **is increased** over what was previously approved in the 2022 application.
4. The applicant shall provide an updated lighting plan for the proposed development, as required in the Township of West Orange *Site Plan/Subdivision Checklist*.
5. The applicant shall provide the sight triangle illustrations as required in the Township of West Orange *Site Plan/Subdivision Checklist*, prior to being scheduled for a meeting so that the Board's Professionals may have ample time to evaluate them.