
Variance & Waiver List
MPB Realty, LLC
Proposed Popeye's & Sonic Restaurant
470 Eagle Rock Avenue
Block 153, Lot 38
Township of West Orange
Essex County, NJ
DEC #1021-99-025

Conditional Use Requirements

1. (§25-24.2.b.2.i.2) *No part of any building or structure used as a fast food restaurant nor any driveway entrance or exit to or from the same shall be located within five hundred (500) feet of any line of any lot upon which is located another fast food restaurant.*
 - The project proposes two fast food restaurants within 500 feet of each other.
2. (§25-24.2.b.2.i.3) *No part of any building or structure used as a fast food restaurant shall be located within one thousand (1,000) feet of any residential district boundary line.*
 - The proposed fast-food restaurant is located on a lot which is adjacent to a residential district boundary line.
3. (§25-24.2.b.2.i.4) *The minimum size for any lot upon which any fast food restaurant is located shall be 30,000 square feet, and the minimum street frontage of such lot shall be 200 feet. If a fast-food restaurant is located on a corner lot, the minimum street frontage on each street shall be 200 feet.*
 - The existing frontage along Rosney Terrace is 182.4 feet.
4. (§25-24.2.b.2.i.7) *The minimum distance of any driveway into the street, of a lot upon which a fast food restaurant is located, from a street intersection shall be 100 feet, measured from the nearest end of the curb radius of the intersection to the nearest end of the curb radius of the driveway.*
 - The proposed driveway is 13.1 feet from the street intersection of Rosney Terrace and Eagle Rock Avenue.

Proposed Variance List

1. (§25-Attachment 3) *Maximum Impervious Coverage shall be 60%*
 - Proposed: 68.8%
2. (§25-12.1.B) *The entire perimeter of all parking areas and the edges of all entrance and exit drives shall be enclosed with a concrete or granite block curb at least 6 inches above the paving surface. Curbing shall not be less than 5 feet from any fence or screening nor less than 5 feet from any structure. Where required, concrete wheel stops shall be provided.*
 - a. Curb is proposed directly adjacent to proposed building at the drive-thru window.

3. (§25-12.1.L) *In the O-B and B Districts, off-street parking may be placed in the side or rear yard only.*
 - Parking proposed in front yard
4. (§25-8.1.a) *No accessory uses shall be located within any minimum required front yard or side yard.*
 - Proposed parking and canopy are within required front yard.
5. (§25-11.2) *Side yards of nonresidential buildings on lots which are contiguous to the boundary of any residential district shall have a minimum required width of 75 feet.*
 - The proposed Popeyes is 66.6' from a side front yard contiguous to residential district boundary.
6. (§25-11.3.a) *Along any side or rear property line which is also the boundary line between a nonresidential district and residential district or is contiguous to a residential use in a residential zone, a buffer strip shall be planted and maintained perpetuity with trees and shrubbery of such sizes and densities as to adequately screen the building form such abutting residential district or use in a residential zone. The required buffer width shall be 50 feet in all nonresidential zones. The requirement shall be reduced for lots that are less than 40,000 square feet in area and/or less than 300 feet in width. On such smaller lots, the required buffer width shall be 10% of lot width or depth, but not less than 20 feet.*
 - The residential buffer is 12.0 feet.
7. (§25-15.3.C.2.b) *One (1) building mounted sign is permitted per permitted use.*
 - The Popeye's proposes five (5) façade signs. The Sonic proposes four (4) façade signs.
8. (§25-15.3.C.2.b) *The maximum building mounted sign area shall be 120 square feet or 15% of the front wall area, whichever is less.*
 - The Popeye's is permitted 100 SF of sign area and proposes a total sign area of 198.9 SF. The Sonic is permitted 91 SF of sign area and proposes a total sign area of 142.5 SF.
9. (§25-15.3.C.2.d) *The maximum freestanding sign width shall be six (6) feet.*
 - Proposed Popeye's freestanding sign width is 7.88 feet
10. (§25-15.3.C.2.d) *One (1) freestanding sign is permitted on a lot.*
 - Two freestanding signs are proposed for the lot.

Proposed Waiver List

1. (§25-14.3) *The minimum maintained lux/footcandles in parking areas shall be 20/2.0 lux/footcandles.*
 - The proposed minimum maintained illumination in parking areas is 0.8 of a footcandle.