



December 6, 2024

Ms. Diana Chandler-Zimmerman
Board Secretary
Township of West Orange Zoning Board of Adjustment
66 Main Street
West Orange, NJ 07052

Re: **Planning Review Letter**
31 Bradford Ave
Block #55.06, Lots 1.01 & 1.02
Application for C Variances
ZB-23-11

Dear Ms. Chandler-Zimmerman,

This office has reviewed the application submitted Jose DeOliveira & Joel Newman. ("**Applicant**"). The Applicant filed an application with the West Orange Board of Adjustment for a C and D variances in connection with the construction of a 9'3" retaining wall on their property. This application was previously dismissed by the Board without prejudice on August 15, 2024.

In preparation of this memorandum, the following documents were reviewed:

1. Cover letter from John Dell'Italia, ESQ, dated September 9, 2024.
2. Township of West Orange Application Form for the Planning Board or Board of Adjustment, dated July 26, 2024.
3. Resolution Memorializing Dismissal of Application without Prejudice, West Orange Board of Adjustment, dated August 15, 2024.
4. Proposal Document and Reasons for Relief.
5. List and Buffer Report Map of Property Owners to be Served Notice, dated August 30, 2024.
6. Verification of Taxes Paid, dated September 3, 2024.
7. Letter from KSI Engineering, dated June 7, 2024.
8. Plans, prepared by KSI Engineering, dated August 14, 2023.
9. Property Survey, prepared by Parker Engineering and Surveying, dated April



19, 2023.

10. Before and After Site Photos.

11. Easement description prepared by Parker Engineering and Surveying, dated April 12, 2024.

12. Easement agreement, dated June 7, 2024.

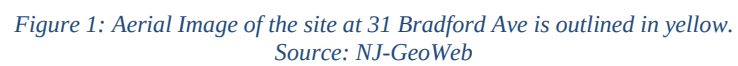
13. Noticing Documents, dated December 6, 2024.

14. Engineering Review Memo, prepared by CME Associates, dated October 17, 2024.

Property Information

The property that is the subject of this Application is commonly known as 31 Bradford Ave and identified as **Block #55.06, Lots #1.01 and 2.01** in the municipal tax records for the Township of West Orange. The site consists of a single-family home in the Township's R-5 Zone.

Generally the surrounding land uses are residential in nature. The site is located at the intersection of Bradford Ave and Northfield Ave. Northfield Ave is to the west, a single-family residential property (30 Grandview Ave) is to the north, a single-family residential property (29 Bradford Ave) is to the east, and Bradford Ave is the south. Bradford Ave is a one-way roadway with entry onto Northfield Ave.



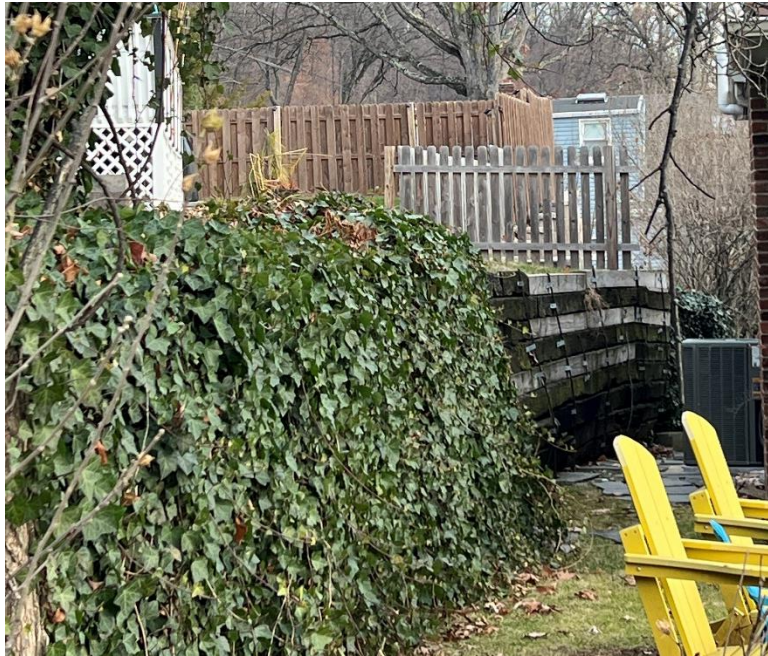


Figure 2: View of retaining wall from Bradford Ave



Figure 3: View of property from Bradford Ave



Figure 4: View of property from Northfield Ave



Figure 5: View of rear yard from Northfield Ave



Figure 6: Bradford Ave topographic change looking away from Northfield Ave

Project Overview

The Applicant, Jose DeOliveira, proposes to construct a retaining wall, which reaches 9'3" at maximum height on the rear and eastern side yard property lines. The maximum height permitted is 6 feet.

Zoning (§25-8.4)

The subject property is located within the R-5 single-family residential zone district. The single-family detached dwelling is a permitted principal use in the zone, and fences and dividing walls are permitted accessory uses. The application for requires a bulk "C" variance relief from §25-8.4b, which states,

b. Solid walls and fences not higher than six feet are permitted in the rear yard and on the side property line up to the rear line of the applicant's house. If the distance on each side of such a fence is more than five feet to each adjacent house, such solid fence may be located in the side property up to the front of the applicant's house.

N.J.S.A. 40:55D-70c sets forth the criteria for a planning board to grant variance from bulk requirements of zoning ordinance. Two types of "c" variances can be granted:

(c) 1: in cases of hardship, such as "exceptional narrowness, shallowness or shape of specific piece of property," or by reason of exceptional or unique topographic conditions, physical features, or an exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

(c) 2: where the purposes of zoning would be advanced, and the benefits derived by the variance would outweigh any detriments.

The applicant must also meet the negative criteria of the statute for the granting of a "c" variance, wherein a variance can be granted only "without substantial detriment to the public good" and where it "will not substantially impair the intent and the purpose of the zone plan and zoning ordinance."



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Respectfully submitted,

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