



January 28, 2025

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**  
42 Eagle Ridge Way  
Block #106, Lot #24.01  
Application for Preliminary and Final Major Site Plan Approval  
with D Variances  
**ZB-24-15**

Dear Ms. Chandler-Zimmerman,

This office has reviewed the application submitted by *Waystone Realty, LLC* ("**Applicant**"). The Applicant filed an application with the West Orange Board of Adjustment for a preliminary and final Major Site Plan development approval with a D variance in connection the development of a single-family house with extensions for hippotherapy component consisting of an attached stable, and indoor arena, outdoor arena, and grass paddocks. The site is located within the Township's R-1 Single Family District.

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

1. Transmittal Letter from Priscilla Triolo, dated December 27, 2024.
2. Township of West Orange Application Form for the Planning Board or Board of Adjustment, undated.
3. Letter of explanation from Priscilla Triolo, dated October 18, 2024.
4. Site Plan/Subdivision Checklist.
5. Stormwater Management Report, prepared by Colliers Engineering & Design, dated October 18, 2024, last revised on December 20, 2024.
6. Project Description with renderings and elevations.
7. Preliminary and Final Site Plan, prepared by Collier Engineering & Design, dated October 18, 2024, last revised on December 20, 2024.



8. Planning Report, prepared by Burgis Associates, LLC, dated December 13, 2024.
9. Soil Erosion and Sediment Control Plan, prepared by Mland & Sterkorn, dated May 31, 2024.
10. List of property owners to be served notice, prepared on August 20, 2024.

### Property Information

The property that is the subject of this Application is commonly known as 42 Eagle Ridge Way and identified as **Block #106, Lot #24.01** in the municipal tax records for the Township of West Orange. The site was the location of a single-family home, which has since been demolished, and located at the dead end of Eagle Ridge Way, a private roadway. The site is accessed via Boland Drive, off Prospect Avenue. The site is bound by I-280 to the west, 40 Eagle Ridge Way to the east, 41 Eagle Ridge Way to the north, and residential properties fronting Mountain Ave to the east.



Figure 1: 2023 Aerial Image of the site at 452 Eagle Ridge Way is outlined in yellow.  
Source: NJ-GeoWeb

## Site Photos (taken January 13, 2025)



*Figure 2: View of the site facing southwest from end of Eagle Ridge Way*



*Figure 3: View of the site facing southeast from end of Eagle Ridge Way*



*Figure 4: Fence line of 41 Eagle Ridge Way property to the north*



*Figure 5: View of 40 Eagle Ridge Way from the site*

## Project Overview

The Applicant, Waystone Realty proposes to construct a single-family home with facilities (stable, indoor arena) attached to the principal structure associated with the occupant's hippotherapy. As defined by the National Institute of Health, hippotherapy is a form of physical, occupational and speech therapy in which a therapist uses the characteristic movements of a horse to provide carefully graded motor and sensory input. Additionally, the applicant proposes an accessory apartment for the stable hand/equestrian therapeutic instructor on the second floor of the home. It is unclear whether the accessory apartment is located on the second floor of the "house" or above the stable area.

## Completeness

Our office has reviewed the checklist of required items Major Site Plans Applications.

The applicant has not provided the following information:

- #7. Proof taxes are current
- #8. Signature blocks for Chairman, Secretary, and Municipal Engineer
- #11. Property Survey.

## Zoning (§25-7.1)

The site is located within the R-1 Single Family Residential District, which is generally described as permitting one-family dwellings on 80,000 square foot lots.

Permitted uses within the R-1 zone are as follows:

- One family, detached dwelling
- Water reservoir, well tower, filter bed
- Federal, state, county or township building
- Golf course and golf club house
- Farm, nursery, greenhouse and similar uses
- Hospital

Permitted Accessory Uses include:

- Required accessory parking



- Private garage
- Horticultural or agricultural building
- Customary accessory building or structure
- Private swimming pool
- Home occupation
- Home professional office
- Signs
- Fences and dividing walls
- Farm produce stand for produce grown on premises
- Private storage shed
- Greenhouses

Permitted Conditional Uses include:

- Commercial recreation
- Public school
- Private school
- Library
- Museum
- Park or playground
- Public utility building or structure
- Telephone exchange
- Private club, other than a golf club
- House of worship

The following are the bulk standards for the B-2 zone:

- Maximum Height: 2.5 stories and not to exceed 35 feet
- Minimum Lot Area: 80,000 square feet
- Minimum Lot Width: 150 feet
- Minimum Front Yard: 40 feet
- Minimum Side Front Yard - Corner Lot: 40 feet
- Minimum Side Yards: 25 feet/25 feet
- Minimum Rear Yard: 50 feet
- Maximum Building Coverage: 20%
- Maximum Lot Coverage: 30%

### **§25-9.2 Housing of animals**

In any residential district on a lot of two acres or more, a building or enclosure for the housing of animals may be constructed or maintained only as an accessory to the main building on the same lot. No building or enclosure shall be used for the housing of more than three domestic or farm animals and such building or enclosure shall not be within 50 feet of any lot line. See § 10-12 of Chapter 10, Animals, of the Revised General Ordinances of the Township of West Orange for additional regulations for household pets and other animals.

### **Definitions**

**ACCESSORY APARTMENT** - A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

### **Planning Comments**

Applicant seeks a D(1) Use Variance where the proposed use is not permitted within the R-1 District.

N.J.S.A. 40:55D-70(d) permits a Board of Adjustment “in particular cases for Special Reasons” to grant a variance to permit “a use or principal structure in a district restricted against such use or principal structure.” This represents the Positive Criteria of the statute. In addition, a showing of the Negative Criteria is necessary to obtain a “d” variance. The applicant must demonstrate that the proposed variance can be granted “without substantial detriment to the public good and will not substantially impair the intent and the purpose” of the Master Plan and Zoning Ordinance.

When considering the granting of a “d” variance, an applicant must demonstrate that special reasons are satisfied by either showing that the proposed use “inherently serves the public good” or that it promotes the general welfare because the proposed site is particularly suited for that use. It was held in *Medici v. B.P.R. Co.*, 107 NJ 1 (1987) that the only “special reasons” which can be considered are those which promote the general purposes of zoning, as listed in N.J.S.A. 40:55D-



2. The court emphasized in *Burbridge v. Mine Hill Twp.*, 117 NJ 376 (1990), however, that the MLUL includes all the zoning purposes listed in N.J.S.A. 40:55D-2, not only the promotion of the general welfare. Therefore, each of these listed purposes may support an application for a “d” variance.

Additional Planning Comments:

1. Architectural Plans should be provided to provide the Board a better understanding of the proposed structure’s layout.
2. Applicant will need a variance for the housing of animals in a principal structure, which is not a permitted use within the R-1 district.
3. Applicant will need a variance for an accessory apartment in a principal structure, which is not a permitted accessory use in the R-1 district.
4. Applicant shall describe how it will meet the requirements of **§10-12 KEEPING OF ANIMALS AND BIRDS** or what specific waivers from the code’s requirements it seeks from the Board.



## Conclusions

The above comments are based on the review of the materials submitted to date. Nishuane Group reserves the right to provide new or updated comments as additional information becomes available. Further, this report should be cross-referenced with the Board Engineer's Review Letter and other Municipal Reviews. Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

George Wheatle Williams, PP, AICP  
Principal, Nishuane Group, LLC.

Erik DeLine, PP, AICP, LEED AP  
Associate, Nishuane Group, LLC.

## Appendix 1: N.J.S.A 4:1C-9.3

The applicant references this code in discussions of the stable hand occupying the same premises. For the Board's information, that code is provided below:

### **New Jersey Statutes Title 4. Agriculture and Domestic Animals 4 § 1C-9.3**

a. The committee shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 ([C.52:14B-1 et seq.](#)):

(1) rules and regulations to implement subsection j. of section 6 of P.L.1983, c. 31 ([C.4:1C-9](#)); and

(2) an agricultural management practice that permits the housing of a full-time, year-round equine-related farm employee in the same building in which horses are housed or boarded on a separate floor or in a separate addition of the building from where the horses are housed or boarded.

b. Except as provided in subsection d. of this section, the rules and regulations and agricultural practices adopted pursuant to subsection a. of this section shall, notwithstanding any local health code or zoning ordinance to the contrary, authorize:

(1) the construction, installation, and provision of housing for any full-time, year-round equine-related farm employee as part of any building or facility constructed, or approved to be constructed, on a commercial farm for the housing or boarding of horses; and

(2) any full-time, year-round equine-related farm employee to be housed in the same building or facility where horses are housed or boarded provided that the full-time, year-round equine-related farm employee housing meets the specifications set forth in subsection c. of this section.

c. Full-time, year-round equine-related farm employee housing established in the same building or facility where horses are housed or boarded shall be located:

(1) on a separate floor of the building or facility above a floor where horses are housed or boarded and separated from the floor on which horses are

housed or boarded by a ceiling and floor with at least the fire rating required for separation between residential and non-residential uses pursuant to the State Uniform Construction Code; or

(2) on the same level of the building or facility where horses are housed or boarded in an addition that is completely separated from the part of the building or facility where horses are housed or boarded by a wall that qualifies the addition as a separate building for the purposes of the State Uniform Construction Code.

The floor on which, or the addition in which, full-time, year-round farm employee housing is established shall have a ventilation system separate from the ventilation system operating on a floor or in an addition where horses are housed or boarded.

d. The construction, installation, and provision of housing pursuant to this section shall comply with any other provision of the State Uniform Construction Code and Department of Community Affairs standards and requirements which do not exclude the construction, installation, or provision of housing units in the same building as the boarding of horses under the State Uniform Construction Code.

e. No certificate of occupancy shall be denied for housing of a full-time, year-round equine-related farm employee in a building where horses are housed or boarded if the housing complies with the provisions of subsections a., b., c., d., and i. of this section.

f. Housing constructed, installed, or provided pursuant to this section shall be used only as housing for full-time, year-round equine-related farm employees, and shall not be used to house any migrant or seasonal employee or worker.

g. This section shall not apply to housing constructed, installed, or provided pursuant to the "Seasonal Farm Labor Act," P.L.1945, c. 71 ([C.34:9A-1 et seq.](#)) and housing constructed, installed, or provided pursuant to this section shall not be subject to any provisions of that act.



h. Housing constructed, installed, or provided pursuant to this section shall be exempt from the provisions and requirements of P.L.1966, c. 168 ([C.2A:42-74 et seq.](#)).

i. This section shall apply only to housing constructed, installed or provided in connection with barns, stables, or other farm structures housing horses. Housing for any farm employee shall not be provided in any structures housing any other type of farm animal or domestic livestock other than horses.