

MEMORANDUM

TO: Township of West Orange Planning Board

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

**RE: PB-25-02 – 111 Prospect Avenue
Block 151, Lots 17.01**

DT: March 20, 2025

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 February 13, 2025.
- Site Plans titled, "Preliminary and Final Site Plan, Prepared for The Estate, 111 Prospect Avenue, Lots 17.01 Block 151, Township of West Orange, Essex County, New Jersey, consisting of twenty-three (23) sheets, dated 1-3-2025, prepared by J. Michael Petry, PE, PP, RA of Petry Engineering, LLC.
- Existing and Proposed Floor Plans for The Estate, 111 Prospect Avenue, Lots 17.01 Mass 151, Township of West Orange, Essex County, New Jersey, consisting of seven (7) sheets, dated 12-23-2024, prepared by J. Michael Petry, AIA of J. Michael Petry, AIA Design Services.
- Map of Property of Bow and Arrow Manor, Inc., Lots 15.03 & 17.01, Block 151, Lots 5 & 6, Block 151.03, Township of West Orange, Essex County, New Jersey, consisting of one (1) sheet dated 2-29-12, prepared by Zdravko Lucin of Petry Engineering, LLC.

- “Stormwater Management Report for The Estate, Block 151, Lot 17.01, Township of Westy Orange, Essex County, New Jersey,” dated December 27, 2024, prepared by J. Michael Petry, PE of Petry Engineering, LLC.

Project Summary

On property located in the Township’s **B-2 (General Business) District**, the applicant, **Orange Prospect, LLC**, proposes the reconstruction of the existing driveway, walking path and valet parking area, as well as renovations to the main building at the existing restaurant/banquet facility. Construction of a Porte-Cochere and a community garden are also included as a part of the proposed scope of work.

The existing restaurant/banquet facility **is permitted** in the B-2 District. However, the proposed development does not meet all the bulk and design standards for this use in the B-2 District. The applicant is also seeking preliminary and final site plan approval.

Required Variances

Impervious Coverage –	Pursuant to the Township of West Orange Zoning Ordinance §25-7.1 a maximum impervious coverage of 60% is permitted and the applicant proposes an impervious coverage of 60.53%. A C-variance is required to allow a greater level of impervious coverage than permitted.
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Requested Checklist Waivers

A waiver is requested from providing the following items from Township of West Orange *Site Plan/Subdivision Checklist*:

- **Item 22**: Development stages or staging plans.
Planner’s Comment: *Applicant states that no staging of development is proposed. No objection to this waiver.*
- **Item 46**: Solid Waste Management Plan
Planner’s Comment: *Applicant states that they are not proposing any modifications requiring a new solid waste management plan for the Property. I defer to the recommendation of the Board’s Engineer.*

- **Item 52:** Plans and legal documents for compliance with West Orange COAH Ordinance.

Planner's Comment: *To the extent that any non-residential development fees are determined to be applicable for this development, Applicant will supply same to the Township, Tax Department prior to the issuance of an occupancy certificate relative to the proposed improvements.*

Project Description

The subject site encompasses 361,261-SF (8.29-acres). The site is improved with a large commercial building, which houses a restaurant/banquet facility, and a 2-story accessory building, which is located to the north of the main building.

Both the main and accessory buildings are surrounded by existing surface parking lots located to the north and south. The area to the west of the main and accessory buildings is landscaped to the western property line. The landscaped area includes a large fountain at the rear of the main building and smaller fountains and an existing gazebo located to the north of it. A series of brick paved walkways extends throughout the landscaped area, connecting the fountains and gazebo.

Proposed Scope of Work

By this application, the applicant proposes to demolish and reconstruct the existing walking paths and driveways and the valet parking area. The proposed scope of work on the site will also include the installation of new community garden, which will be located on the southern and western sides of the existing accessory building.

The scope will also include renovation of the main building, which will primarily involve some reconfiguration of the interior layout and finishes, and the construction of a Porte-Cochere at the main entry to the building, located on the northern elevation, adjacent to the existing driveway. Beyond the addition of the porte-cochere, the footprint of the main building will remain the same. No changes are proposed to the accessory building as part of this application.

Following the proposed work, the existing building will be setback 112.4-feet from the front (eastern) property line on Prospect Avenue, 120-feet from the rear property line and 489.4-feet from the northern side property line and 352.8-feet from the side front property line on Woodland Avenue.

The on-site parking is dispersed across four (4) surface parking lots. Lot A, which will accommodate eighty-one (81) spaces, is located in the southern area of the site and is designated for employee parking. Lot B, which is located in the northeastern area of the site, will include one hundred and seventeen (117) spaces and will be used for valet parking. Lot C, which is located in the northwestern area of the site, will accommodate one hundred and forty-three (143) spaces and will be available for public parking. Lot D, which is located off the subject site, on the adjoining lot to the north, will include one hundred and twenty-four spaces and is assessable by way of a cross-easement agreement between the subject site and the abutting Lot 15.03 located to the immediate north of the site.

The proposed improvements to the site will include the following:

- Demolition of the improvements on the paved courtyard located at the front (eastern) sided of the main building. This area will be reconstructed at a higher elevation to match the 1st floor of the main building.
- Demolish and remove the brick paver walkway that extends between the courtyard and the landscaped areas to the west. These walkways will all be reconstructed with new pavers and curbs. Additionally, the existing walkway, which extends from the front entry and extends to the landscaped area on the western side of the site, will be regraded to eliminate the existing steps.
- Remove the existing fountain, traffic islands, curbing and related infrastructure from the Lot B parking area. This parking area will be reconfigured and reconstructed with new curbing and islands. Six (6) new ADA-compliant spaces will be installed on the western side of the parking lot, two (2) of which will be equipped with EV-chargers. Four (4) EV-charging stalls will also be installed in the southeastern corner of the lot. A new landscaped water feature will also be constructed on the reconfigured island at the southwestern corner of Lot B.
- Additionally, the entire driveway will be reconstructed with pavers, from the ingress at the northeastern corner of the site, off of Prospect Avenue, to the egress located further to the south. As part of this reconstruction, the egress driveway will be widened at the egress onto Prospect Avenue and straightened out to a width of 24-feet. The existing striping on Prospect Avenue will also be modified and widened to facilitate the widened and reconfigured egress.
- As indicated earlier, the area to the south and west of the existing accessory building will be converted to a community garden. Plans show this area will be modified to accommodate a series of beds and planting areas for a variety of herbs and vegetables, some of which, plans indicate will be used by the restaurant/banquet facility.

Interior Modifications

The applicant also proposes modifications to the main building as part of the application. most of the changes include relatively small modification and reconfiguration of the interior layout. One of the more significant changes, however, will be the construction of a proposed Porte Cochere at the primary entry to the main building, which is located on the northern frontage. Beyond the addition of the Porte Cochere, there is no change proposed to the existing footprint of the existing building.

The proposed porte cochere will extend out from the northern façade into the driveway, which is widened in this area, with the reconstruction of the driveway. Seven (7) support posts will be installed on the perimeter of the new porte cochere to support the structure.

As part of the construction of the proposed Porte Cochere, the columns at the entry will be enclosed by a glass curtain wall and the existing windows on the exterior wall of the vestibule, will be replaced by faux doors. Other windows on the facade in this area will also be replaced/modified.

On the Prospect Avenue frontage, the brick knee wall and framed greenhouse enclosure on the 1st floor will be replaced by Kawneer windows and doors, which will change the appearance of the building from Prospect Avenue on this elevation.

Landscaping

As part of the proposed scope of work, the applicant proposes to remove and replace several trees from the subject site. It should be noted here that most of the trees scheduled to be removed from the site have already been cut down. The schedule of removal includes the following:

Tree Diameter	Type of Tree		Total Trees Removed	Proposed Replacements
	Evergreen	Deciduous		
2.5" to 6"	188	-	188	⇒ 188-Thuja Green Giant
6" to 13"	1	6	7	⇒ 188-Thuja Green Giant ⇒ 12-Red Maple
13" to 22"	3	1	4	⇒ 188-Thuja Green Giant ⇒ 3-Red Maple
Total	192	7	199	⇒ 210-Thuja Green Giant ⇒ 15-Red Maple

The trees to be removed will be taken from along the driveway, particularly the northern both sides of the driveway on the northern perimeter of the site.

Thuja Green Giant trees are proposed along the street frontage of the site, extending from Lot A on the southern end. In the area where parking Lot B abuts the street frontage, seven (7) Thuja Green Giant trees will be alternated with eight (8) Red Maple trees. The remaining trees will be planted along the driveway in the area where the trees were previously removed.

Lighting

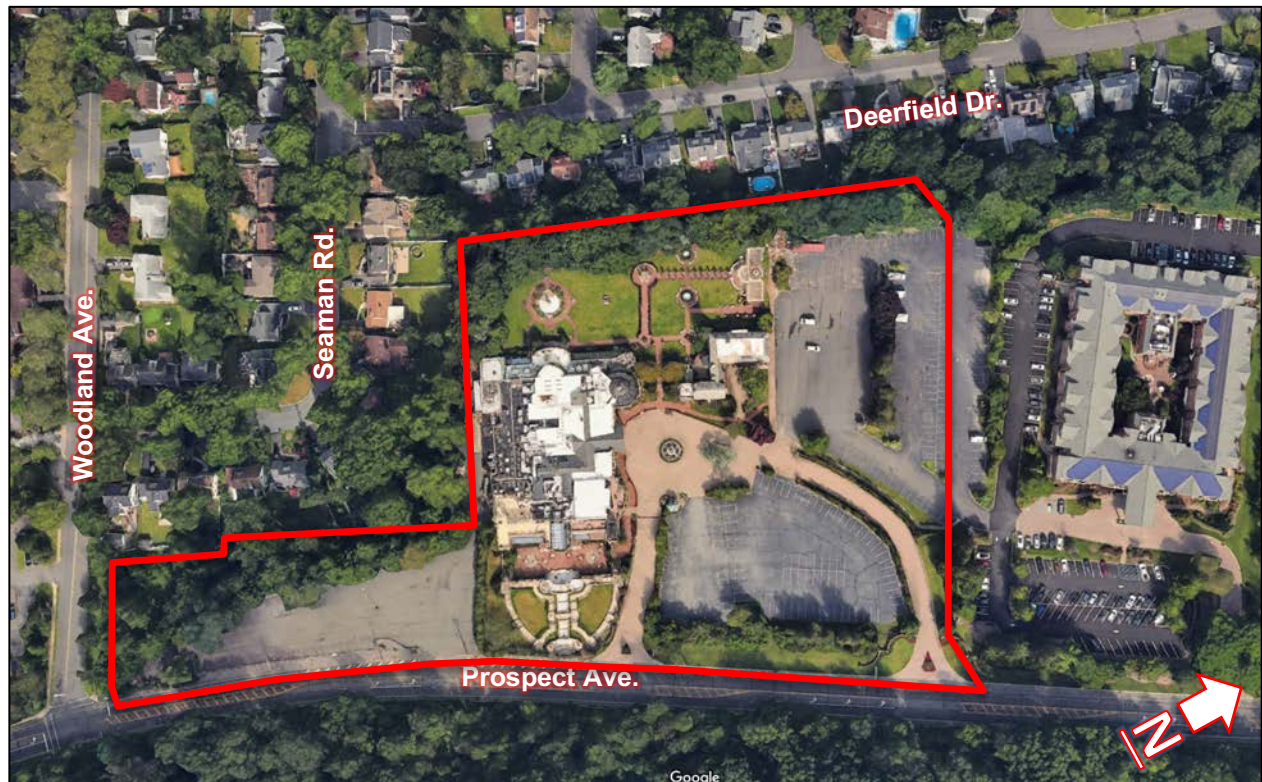
New lighting is proposed throughout Lot B. The proposed lighting will include the following.

- Seven (7) Sun Valley Lighting Decorative Lantern Post Top, Type 3 M Distribution, Nominal 2500lm, Bottom of Fixture Mounted At 12ft, light fixtures are proposed in the courtyard and along the walkway that extends from the courtyard, along the driveway to the area at the southwest of Lot B.
- Eight (8) Sun Valley Lighting Decorative Lantern Post Top, Type 3 W Distribution, Nominal 8900lm, Bottom of Fixture Mounted At 15ft, light fixtures are proposed along the Prospect Avenue street frontage and on the driveway island at the southwest of Lot B.
- Eleven (11) Sun Valley Lighting Decorative Lantern Post Top, Type 5 Wide Distribution, Nominal 13,000lm, Bottom of Fixture Mounted At 15ft light fixtures are proposed in and around Lot B.

Site & Area Description

Street Address: 111 Prospect Avenue
Block & Lot: Block 151, Lot 17.01
Zoning District: B-2 (General Business) District
Total Site Area: 361,261-SF

Location Map



Location Map – The subject site is a corner parcel located on the northwestern corner of the intersection of Prospect Avenue and Woodland Avenue. Abutting the site to the south and west are detached dwellings fronting on Seaman Place and Deerfield Drive. To the immediate north of the site is a Residence Inn Hotel. To the south, across Woodland Avenue from the site is a low-rise commercial building and associated parking lot. To the east, across Prospect Avenue from the site is the Eagle Rock Reservation.

Photo Survey



Photo 1: View of the subject property located at 111 Prospect Avenue, from the egress looking west across the site. Visible is the accessory building directly ahead in the distance. The applicant proposes to reconstruct this driveway and parking area (Lot B) located to the right.



Photo 2: View looking to the northwest across Lot B showing some of the stumps from the trees that were previously cut down.



Photo 3: View looking north across the elevated garden area located at the front of the main building.



Photo 4: View of the courtyard between the elevated garden area to the right and the front façade of the main building to the left. The courtyard will be built up to the level of the 1st floor of the main building.



Photo 5: View of the southern façade of the main building.



Photo 6: View looking south across parking Lot A (employee parking area) towards Woodland Avenue.

Planning Considerations

The subject site is located within the **B-2 General Business District**. Among the permitted principal uses in this district are:

- Retail Stores
- Personal Service Store or Studio
- Office or Office Building
- Business or Vocational School
- Restaurant
- Bar
- Massage, Bodywork or Somatic Therapy Establishment

The chart below has been created to identify bulk deficiencies.

Standard	Permitted/ Required (B-2 District)	Existing	Proposed	Variance Required
Use	Restaurant Bar	Restaurant/ Banquet Facility	Restaurant/ Banquet Facility	No
Min. Lot Area	10,000-SF	361,261-SF	361,261-SF	No
Max. Building Height (Main Building)	2.5-Stories / 35-Feet	2.5-Stories / 35-Ft	2.5-Stories / 34.6-Ft	No / No
Min. Lot Width	No Minimum	N/A	N/A	N/A
Min. Front Yard Setback	30-Feet	112.4-Feet (Prospect Ave.)	112.4-Feet (Prospect Ave.)	No
Min. Side Front Yard Setback	25-Feet	489.4-Feet (Woodland Ave.)	489.4-Feet (Woodland Ave.)	No
Min Side Yard Setback	10-Feet (Each Side)	352.8-Feet	352.8-Feet	No
Min Rear Yard Setback	30-Feet	129-Feet	129-Feet	No
Max. Building Coverage	40%	12.55%	13.46% (Includes New Porte Cochere)	No
Max. Impervious Coverage	60%	61.75%	60.53%	Yes

Standard	Permitted/ Required (B-2 District)	Existing	Proposed	Variance Required
Accessory Building Setback from Principal Building	15-Feet	45-Feet	45-Feet	No*
Accessory Use Setback from Property Line	5-Feet (Minimum)	0-Feet	0-Feet	No*
Residential District Buffer	50-Feet (Minimum)	0-Feet – 60-Feet (Varies)	0-Feet – 60-Feet (Varies)	No*
Max. Fence Height	6-Feet	6-Feet	6-Feet	No
Min. Off-Street Parking	<u>468-Spaces</u> For Restaurant Use: 1sp./3-seats (1,404-pers./ 3=468)	<u>441-Spaces</u> (Includes: 317-sps. On-site 124-sps. Easement)	<u>471-Spaces</u> (Includes: 341-sps. On-site 124-sps. Easement 6-sp. EV- Credit)	No
Trees in Parking Areas (Minimum)	<u>47-Trees</u> For Lots with over 30-spaces: 1-Tree/10-Spaces (465-sps. / 10=47)	<u>45-Trees</u>	<u>47-Trees</u>	No
Driveway Width (Minimum)	Two-Way: 24-feet One Way: 14-Feet	24-feet 18.48-Feet	24-feet 18.48-Feet	No No

Note: * - Variance previously granted for this non-conforming condition.

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:

- a) exceptional narrowness, shallowness or shape of a specific property, or
- b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or
- c) 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 the reconstruction of the existing driveway, walking paths and valet parking area, as well as renovations to the main building at the existing restaurant/banquet facility. A Porte-Cochere and a community garden are also included as a part of the proposed scope of work. While the existing restaurant/banquet facility **is permitted** in the B-2 District, the proposed development does not meet all the bulk and design standards for this use in the B-2 District.

The restaurant/banquet facility that is located on the subject site, has been in operation on this site for some time. However, the facility has recently changed ownership, and the new owners propose to continue the use of the facility in a similar manner as it has been used in the past. Notwithstanding this, **the applicant should provide testimony detailing the proposed use and operation of the facility, including the hours of operation and the number of employees. Testimony should include the proposed use of the accessory building and the proposed community garden, which will be new to the facility and site.**

As detailed above, the applicant proposes substantial modifications to the facility, including reconfiguration and reconstruction of the driveway and most of the existing pathways on the site. **The applicant should provide testimony detailing the proposed scope of work to be completed at the facility, including both exterior and interior modifications.**

The applicant is seeking a variance for excessive impervious coverage on the site. Whereas a maximum impervious coverage of 60% is permitted, the applicant proposes an impervious coverage of 60.53%. While this level of coverage is greater than the maximum impervious coverage permitted, **it is actually a decrease and improvement over the existing condition and what was previously approved for the site.**

There are also several other nonconforming conditions that exist on the site. These include the following:

- Exceeding the maximum permitted distance between the Principal and Accessory Buildings – whereas a minimum of 15-feet is required, 0-feet is proposed.
- Insufficient setback between the Accessory Use and the Property Line – whereas a minimum setback of 5-feet is required, 0-feet is proposed.
- Insufficient buffer between the Principal Structure and a Residential District – whereas a minimum distance of 50-feet is required, distances of 0-feet and 60-feet are proposed.

In all instances, **these are existing conditions which were previously approved in previous applications before one of the Township's Land Use Boards.** Further, **in none of these instances is the applicant proposing to exacerbate the condition in any way.**

Additionally, the applicant is seeking approval for their tree removal and replacement plan. Based on the information provided by the applicant, a total of one hundred and ninety-nine (199) trees are proposed to be removed from the site, including one hundred and ninety-two (192) Evergreens and seven (7) deciduous.

The applicant indicates that the trees in question have already been removed from the site. As such, the locations and sizes of the removed trees have been approximated by the applicant, based on the remaining tree stumps. Further, **the applicant states in their plans, that the types of trees that was removed was ascertained after the fact, based on "historic photos."**

The applicant should provide testimony detailing the circumstances under which the trees were removed from the site without the required oversight and approval, pursuant to Township of West Orange Township Code §28-4(a). The applicant should also provide

testimony detailing the process by which the location, size and type of tree was derived. Finally, **any approval of this application by the Board should be conditioned on the review and approval of the proposed tree removal and replacement plan by the Township's Forester.**

Finally, the applicant proposes to increase the on-site parking as a part of this application. This will be achieved by the reconfiguring of the existing parking Lot B. **The site will go from a total of an existing 441-spaces to a proposed 471-spaces following the reconfiguration.** In calculating the number of EV-charging-equipped and ADA-compliant spaces required for the site, **the applicant has utilized Lot B only**, which will have a capacity of 117-spaces. It is not clear why Lot C was not utilized as well. **The applicant should provide testimony as to why the 143-spaces in Lot C were not utilized in the assessment of EV-charger-equipped and ADA-compliant spaces.**

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 comments and recommended conditions provided by the Board Engineer and other Professionals.
2. The applicant shall provide testimony detailing the proposed use and operation of the facility, including the hours of operation and the number of employees. Testimony should include the proposed use of the accessory building and the proposed community garden, which will be new to the facility and site.
3. The applicant shall provide testimony detailing the proposed scope of work to be completed at the facility, including both exterior and interior modifications.
4. The applicant shall provide testimony detailing the circumstances under which the trees were removed from the subject site without the required oversight and approval, pursuant to *Township of West Orange Township Code §28-4(a)*.
5. The applicant shall provide testimony detailing the process by which the location, size and type of tree was derived.
6. Applicant shall attain the review and approval of the proposed tree removal and replacement plan by the Township's Forester.



7. The applicant shall provide testimony as to why the 143-spaces in Lot C were not utilized in the assessment of the number of EV-charger-equipped and ADA-compliant spaces required for the development.