



~~February 18, 2025~~ **April 7, 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**
104 Winding Way
Block #46.01, Lot #33
Application for C Variance
ZB-24-17

Dear Ms. Chandler-Zimmerman,

This office has reviewed the application submitted by *Pardo Development Group, Inc. ("Applicant")*. The Applicant filed an application with the West Orange Board of Adjustment for a "C" Bulk Variance to construct a single-family home on a vacant lot with an area of 14,351.96 square feet. The subject property is located within the Township's R-1 zone, which permits single-family dwellings on a minimum of lot area of 80,000 square feet.

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

1. Township of West Orange Application Form for the Planning Board or Board of Adjustment, dated October 21, 2024
2. Statement of Principal Points
3. Application for Tree Removal and Replacement Permit, dated October 21, 2024
4. W-9, Pardo Development Group, Inc, dated October 7, 2024
5. Site Plan, prepared by man/Terra Design, LLC, dated August 28, 2023
6. Statement of Ownership Disclosure, Pardo Development Group, Inc, dated October 7, 2024
7. Proof of Taxes Paid
8. Cover Letter, submitted by Stephen F. Hehl, dated November 22, 2024
9. Application Fee



10. Boundary and Topographic Survey, prepared by EKA Associates, P.A., dated April 9, 2020.

Property Information

The property that is the subject of this Application is commonly known as 104 Winding Way and is identified as **Block 46.01, Lot #34** in the municipal tax records for the Township of West Orange. The site is unimproved. Access to the property is off Undercliff Terrace South, which is a dead end. To the south and east of the site are single-family homes. To the west of the site is Rock Spring Golf Club and to the north is wooded area on the Golf Club's property.

The property survey indicates a parcel with the dimensions of 72.38 feet in width fronting Winding Way, and 88.62' along the rear yard lot line, 180.40 feet along the westerly lot line, and 176.67' along the easterly lot line, creating a 2,491 square foot property. The minimum dimensions for properties located in the zone is 80,000 square feet, indicating an undersized property. Furthermore, with a required minimum lot width of 150 feet, it does not meet the minimum lot width requirements of the zone. The site is characterized by Steep Slopes regulated by the Township's Code.



Figure 1: Aerial Image of the site at 104 Winding Way is outlined in yellow.
Source: NJ-GeoWeb

Site Photos (taken February 16, 2025)



Figure 2: Front yard of 104 Winding Way



Figure 3: Dead end of Undercliff Terrace South



Figure 4: 104 Winding Way from the west



Project Overview

The applicant, Pardo Development proposes to construct a new 2.5 story single-family dwelling on “excessive steep slopes” (defined as any steep slopes of 25% or greater) located on the vacant and unimproved lot. The home would include a driveway with a retaining wall to an attached two-car garage in the front. There will be an improved rear yard with retaining wall in the rear and side yards.

Zoning (§25-7.1)

This application is located within the Township’s R-1 Zone, which is generally described as permitting one-family dwellings on 80,000 square-foot lots. The following bulk variances are required:

Regulation	Required	Existing	Proposed
Min. Lot Area	80,000 sq. ft.	2,491. sq. ft.	2,491 sq. ft.*
Min. Lot Width	150 ft.	76.0 ft.	76.0 ft*
Min. Side Yard Setback	25 ft.	-	11.4 ft
Min. Side Yard Setback (combined)	50 ft.	-	26.5 ft
Min. Floor Area	3,000 sq. ft.	-	2,689 sq. ft.
Max. Building Coverage	20%	-	64.0%
Max. Lot Coverage	30%	-	111.6%**

* Existing Nonconformity

** Based on effective lot area

In addition, the applicant needs relief from the requirements of **§25-28 Steep Slopes and Natural Features Ordinance**. The applicant proposed steep slope disturbance as shown in the table below:

Slope Range	0-10%	10-14.99%	15-19.99%	20-24.99%	25% or more
Area (sq. ft.)	2,082	289	131	916	10,933
Permitted Disturbance	100%	60%	40%	20%	0%
Proposed Disturbance	32.2% (670 sq. ft.)	3.4% (10 sq. ft.)	0% (0 sq. ft.)	69.0% (632 sq. ft.)	50.4% (5,515 sq ft.)

Definitions

BUILDING GROUND COVERAGE

Shall mean the horizontal area of the ground floor of all buildings, measured between exterior faces of foundation walls, but excluding the area of unroofed porches and terraces.

LOT

Shall mean a designated parcel, tract or area of land established by a plat or otherwise as permitted by law, to be used, developed or built upon as a unit. The word "lot" includes the word "plot."

1. LOT COVERAGE

Shall mean that portion of a lot which is covered by parking areas and any impervious surface including but not limited to principal and accessory, structures, driveways, patios, sidewalks, etc.

2. LOT WIDTH

Shall mean the shortest distance between side lines measured at a point along the required front set-back line of the lot. Where the Table of District Regulations does not require a minimum front yard the lot width shall be measured at the street line of the lot. All lots shall be required to have a minimum width at all points in the lot of 40 feet or 75% of the required lot width, whichever is greater.

NONCONFORMING LOT OR PREEXISTING NONCONFORMING LOT

Shall mean a lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

YARD

Shall mean and include:

3. SIDE

Shall mean an open space, on the same lot with a building, between the side line of the lot and the building, and extending from the front yard or from the front street line where no front yard exists, to the rear yard.

EFFECTIVE LOT AREA

An adjustment for the natural features, including steep slopes, state open waters, wetlands, wetland transition areas, floodways, and riparian zones. The effective lot area shall be either equal or greater than the minimum lot area as defined in Subsection 25-7.1, Table of Districts of Regulations.



EXCESSIVE STEEP SLOPE

Any steep slope 25% or greater.

STEEP SLOPE

Any slope equal to or greater than 10% as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

Planning Comments

Bulk "C" Variances

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."

Steep Slope Ordinance

~~While it appears there are deficiencies in the application with respect to providing the required information under the Steep Slope ordinance, we defer to the Board Engineer as to the extent that Applicant meets the information required for Steep Slopes in accordance with §25-28.7.~~ **Pursuant to a conference call and discussions with the Board Engineer, the applicant has met the informational requirements of the code.**



Conclusion

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.