



February 18, 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**
77-79 Lessing Road
Block #158.14, Lot 243
Application for Home Occupation
ZB-25-1

Dear Ms. Chandler-Zimmerman,

This office has reviewed the application submitted by *Christopher Taharally* ("**Applicant**"). The Applicant filed an application with the West Orange Board of Adjustment for a home occupation to sell roasted coffee and cookies to the surrounding community.

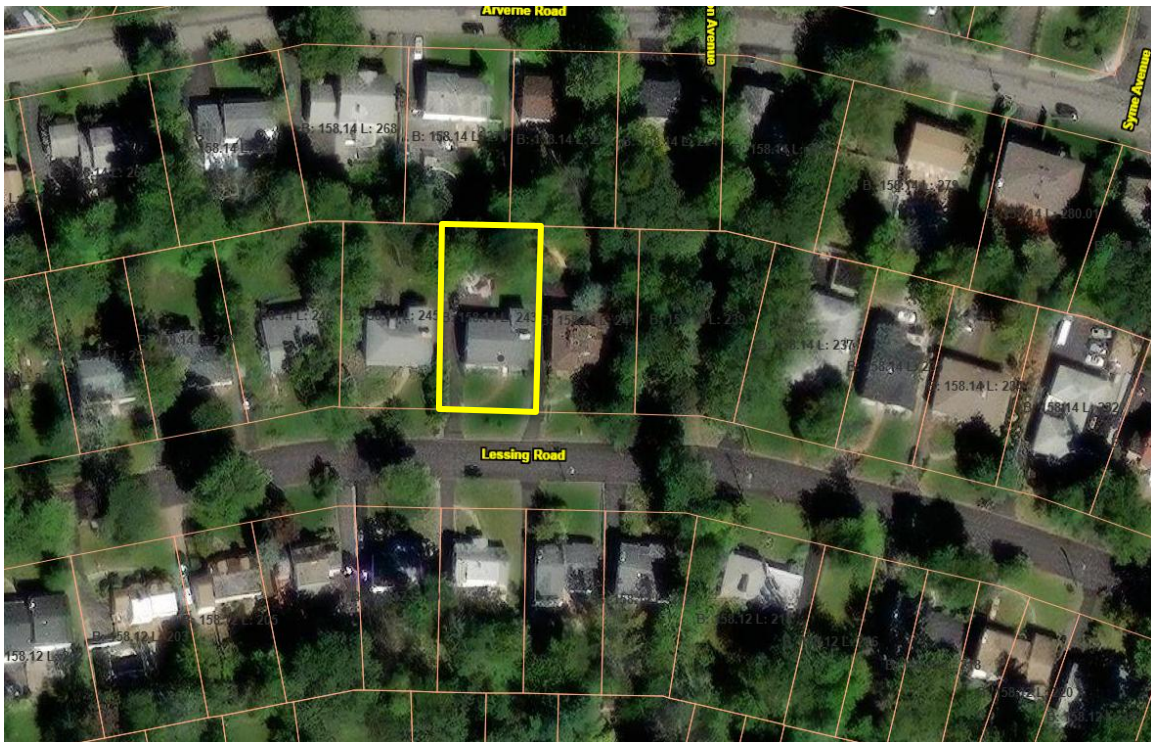
In preparation of this memorandum, the following documents were reviewed:

1. Township of West Orange Application Form for the Planning Board or Board of Adjustment, December 18, 2024.
2. Business proposal for Coluna Coffee & Cookies
3. Email from Christopher Taharally, dated December 18, 2024.
4. Floorplan for 77-79 Lessing Road.
5. Survey, prepared by George J. Anderson, LLC, dated July 18, 2016.
6. Verification of Taxes & Sewer Charges Paid, dated December 11, 2024.
7. Certificate of Formation, Coluna Coffee & Cookies, LLC, dated December 24, 2024.
8. List of property owners to be served notice, prepared on December 11, 2024.

Property Information

The property that is the subject of this Application is commonly known as 77-79 Lessing Road and identified as **Block #158.14, Lot #243** in the municipal tax

records for the Township of West Orange. The site consists of a single-family home, which is consistent of the surrounding neighborhood. The property is located within the Township's R-4 Zone.



*Figure 1: 2023 Aerial Image of the site at 77-79 Lessing Road is outlined in yellow.
Source: NJ-GeoWeb*

Site Photos (taken January 31, 2025)



Figure 2: View of 77-79 Lessing Road



Figure 3: View of the properties across from subject site



Figure 4: Lessing Road streetscape facing east



Figure 5: Lessing Road streetscape facing west



Project Overview

The Applicant, Christopher Taharally, proposes to operate his business, Coluna Coffee & Cookies out of his residence. The business would sell roasted coffee and homemade cookies. Orders would be placed by phone, text or social media platforms. Customers would pick up orders directly from the home, though the applicant states they are exploring providing free local delivery.

Zoning (§25-7.1)

The site is located within the R-4 Single Family Residential District, which is generally described as permitting one-family dwellings on 15,000 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
- Private storage shed
- Greenhouses

Permitted Conditional Uses include:

- 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
- Banquet and Conference centers

§25-9.9 Home Occupations

No home occupation may be conducted in a legal owner-occupied one family residence unless the following conditions are met:

a. A simplified site plan indicating the location of the use on the premises within the principal structure and written description of the occupation to be conducted shall be submitted to the Building Department and Zoning Official. A Certificate of Continued Occupancy, Certificate of Occupancy, or Certificate of Habitability shall be required for home occupations.

b. The proposed activity shall comply with the following:

1. Only one such activity shall be permitted on the premises within the principal structure; and such use must not be incompatible with or disturb the adjacent residential neighborhood.
2. The activity shall be conducted solely by a person or persons, and members of his/her immediate family, all of whom shall be residing fulltime and permanently on the premises, and by no other person or persons living off the premises.
3. Not more than 12.5% or 1/8 of the floor area of the principal structure shall be used for such activity.
4. No display or advertising of products or services shall be visible from outside of the principal structure in which the activity takes place.
5. No outside storage any way related to the activity shall be visible from outside of the principal structure in which the activity takes place.

6. No pick-up or delivery of materials to or from the premises in which the activity takes place shall be made, except by private passenger vehicle, licensed package delivery service, or US Postal Service.
 7. The activity, including deliveries as described in Subsection 6, shall be conducted only between the hours of 8:00 a.m. and 8:00 p.m.
 8. The activity shall not give rise of the need for on-street parking which shall interfere with the residential parking on the street adjacent to the principal structure in which the activity is permitted.
- c. The following activities related to home occupations are prohibited:
1. Any activity which creates noise, smells or sights, which are ascertainable outside of the principal structure in which the activity takes place;
 2. Any activity which causes interference with electrical or electronic equipment off the premises in which the activity takes place;
 3. A retail or wholesale salesroom(s) or showroom(s);
 4. Any activity which involves the use or storage of hazardous materials as defined by law.

Definitions

HOME OCCUPATION - Shall mean any lawful activity not otherwise prohibited by this chapter performed in a legal owner-occupied one-family residence, including without limitation, consulting, telemarketing, dressmaking, manicuring, craft making or drafting. **Home cooking for commercial purposes is not permitted.**

Planning Comments

Under the definition of "Home Occupation" listed above, the business described by the applicant is prohibited as a home occupation. Home occupation is a permitted accessory use in the R-4 zone, and as home cooking for commercial purposes is not a permitted accessory use, it therefore needs a "C" variance from the Board of Adjustment.

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."

Other Planning Comments

1. The Applicant shall confirm they will also meet the requirements of **N.J.S.A 8:24-11 et seq.** and obtain a permit.
2. The Applicant shall describe how operations will work for pickups. For example, would the customer come into the house or garage to get their order? Does it get brought to them in the driveway/roadway?
3. The Applicant shall provide to the Board the operation hours in which the pickups are conducted?
4. The Applicant has stated it is exploring a free local delivery service. Is that to be contracted, or provided by the Applicant or a family member?



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.

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Appendix 1: NJSA 8:24:11 et seq.