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~~January 14, 2025~~ **August 20, 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**
81 Northfield Avenue
Block #71.03, Lot #43
Interpretation of Zoning
ZB-24-16

Dear Ms. Chandler-Zimmerman,

This office has reviewed the application submitted by *Northfield Avenue Reality Associates, LLC* ("**Applicant**"). The Applicant filed an application with the West Orange Board of Adjustment for the interpretation of zoning of whether a tenant of the Applicant, Elite Transportation Group, can park their fleet of medical transport vehicles overnight as part of the permitted accessory use in the OB-1 zone under Township Code as *Required Accessory Parking*. This term is not specifically defined within the Code.

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

1. Transmittal Letter, prepared by Waters, McPherson, McNeill, dated November 4, 2024.
2. Checklist of Required Items "C" and "D" Applications Interpretations and Appeals.
3. Township of West Orange Application Form for the Planning Board or Board of Adjustment, dated October 21, 2024.
4. Notice of Request for Interpretation of Zoning Ordinance Pursuant to N.J.S.A. 40:55D-70(a) and N.J.S.A. 40:55D-72, prepared by Waters, McPherson, McNeill, dated November 4, 2024.
5. Site Plan identifying location of medical transport vehicles, highlighted in



green.

6. W-9, Northfield Avenue Realty Associates, LLC, dated February 1, 2016.
7. Verification of Taxes & Sewer Charges Paid, dated November 12, 2024.
8. List and Buffer Report Map of Property Owners to be Served Notice, dated November 12, 2024.
9. **Supplemental Submission, prepared by Waters, McPherson, McNeill, dated April 4, 2025.**
10. **Letter Submitting Proof of Mailing, prepared by Waters, McPherson, McNeill, dated April 4, 2025.**
11. **Affidavit of Mailing and Publication, dated April 4, 2025.**
12. **Commercial Business/Change of Use Application for Elite Fleet Transport, dated August 12, 2024.**

Property Information

The property that is the subject of this Application is commonly known as 81 North and identified as **Block #71.03 Lot #43** in the municipal tax records for the Township of West Orange. The site contains a two-story multi-tenant office building, located on an irregularly-shaped parcel of approximately 2 acres at the corner of Northfield Avenue and Brennan Drive.

The building has parking lots situated at the southern and northern sides of the property. Entrances to the building are located at the eastern and westerly sides of the building. According to LoopNet.com, the building contains 21,000 square feet and 110 off-street parking spaces.



Figure 1: Aerial Image of the site at 81 Northfield Ave is outlined in yellow.
Source: NJ-GeoWeb



Figure 2: Front yard of 81 Northfield Ave from the southern side of the property (Northfield Ave)



Figure 3: Rear of 81 Northfield Ave, looking south from rear parking lot area.



Figure 4: Rear parking lot area of 81 Northfield Ave, note the medical transport vehicle located at the end of the parking lot

Project Overview (Amended August 20, 2025)

The Applicant seeks a zoning interpretation with respect to the term Required Accessory Parking. Required Accessory Park is listed as a permitted accessory use within the OB-1 Zone, although there is no definition of the term within the Township's Zoning Code. We note that although the applicant has not applied to appeal the Zoning Officer's Decision, their application includes overnight parking for their medical transport vehicles. Our review focuses solely on the request for zoning interpretation, which is the nature of this application.

Zoning (§25-7.1) (Amended August 20, 2025)

This application is located within the Township's OB-1 Zone, which is generally described as permitting office buildings. Within this zone, a permitted accessory use is Required Accessory Parking. There is no specific definition of "Required Accessory Parking" and definitions do not provide guidance as to how a use is regulated. Rather, other provisions of the Code regulate a particular use, such as parking.

Off-street Parking regulations are governed by **§25-12 PARKING AND LOADING SPACE REQUIREMENTS**. In paragraph "g" of The General Provisions for Off-Street Parking (§25-12.1), the ordinance states, "Such parking area shall be used solely for the parking of passenger automobiles and no repair work or service of any kind shall be conducted in the parking lot. No permitted sign shall be larger than two square feet in area." The vehicles listed by the applicant in their Commercial Business/Change of Use Application are not passenger automobiles and, therefore, their parking is not permitted in off-street parking areas. A variance for the parking of these ambulances is required, whether during the day or overnight as the applicant seeks to do.

Definitions (§25-4)

ACCESSORY USE

Shall mean use naturally and normally incident and subordinate to the principal use of the premises or lot. The following uses are not accessory uses and are prohibited:

1. The dismantling, assembly or repair of a vehicle other than one belonging to a member of the resident household in any Residential Zoning District and any Nonresidential Zoning District where such use is not permitted.



2. The outdoor storage of motor vehicle parts or accessories in any Residential Zone.
3. An airport, aircraft landing strip, or heliport in any Zoning District.
4. Outdoor bins for the collection of used clothing, shoes, household items or other goods.

PARKING AREA

Shall mean an open area other than a street, public way or access driveway, but including aisles that serve parking spaces, used for the parking of motor vehicles and available for use whether for a fee or privilege for clients, customers, suppliers, residents or employees.

Municipal Land Use Law (added August 20, 2025)

Under the 40:55D-70 of the Municipal Land Use Law, the Board shall have the power to:

- a. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinance;
- b. Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance, in accordance with this act;

Again, the applicant seeks the Board to make a determination of the definition of Required Accessory Parking under 40:55D-70b, not a determination on whether the Zoning Officer erred in their determination that the parking of the commercial vehicles associated with Elite Fleet Transport overnight constituted storage and was not permitted by the Township's Zoning Code.

Planning Comments

The applicant's letter dated November 4, 2024, addresses its stance by providing an analysis of the zoning ordinance and intent behind same. As discussed within the Applicant's letter, they are requesting an interpretation of the definition of Required Accessory Parking within the Township's Code.

“...to confirm and acknowledge that the parking of vehicles directly relating to the primary, permitted principal use by a tenant, including the parking of these vehicles onsite overnight, falls within the scope/definition of ‘required accessory parking’ as set forth in the Ordinance.”

In our review of the Township’s Ordinance and customary zoning requirements, it is our understanding the definition of *Required Accessory Parking* in the Township’s Ordinance is related to the supply of parking spaces (or parking area, as defined above) rather than the use of the parking spaces themselves or the necessity of tenants to use spaces in furtherance of their business.

While all parking on an office site is clearly accessory to the principal use, the key word associated with the term is “Required”. We understand this to be related to §25-12.2 Minimum Required Number of Parking Spaces. For example, subsection B of this Section requires 1 space per 250 square feet of office space. So, for a 21,000 square feet office building, the Required Accessory Parking is 84 parking spaces.

The Applicant discusses *State v P.T. & L Construction Co.*, a case where it was determined a helipad could be considered an accessory use and customarily incident to the permitted use. Much as a vehicle parking area is customarily incident to the permitted use of the office building, the ruling determined the helipad was subordinate to the use.

According to “A Planner’s Dictionary”, published by the American Planning Association, a **helipad** is defined as “A *facility* without the logistical support provided by a heliport where helicopters take off and land.” The term helipad refers to the physical space for the take-off and landing of helicopters, rather than the act itself.

Similarly, it is our view, that Required Accessory Parking relates to the physical space for the parking of vehicles, rather than the act of parking itself.

Recommendations (added August 20, 2025)

1. We recommend the Board find, based upon the above analysis, the definition of Required Accessory Parking not govern what parking activities are permitted or prohibited within a parking area.



2. While this was not the nature of the application or part of the interpretation being sought by the applicant, we did review the requirements of **§25-12 PARKING AND LOADING SPACE REQUIREMENTS**. As noted above, only the parking of passenger automobiles is permitted in off-street parking areas. The parking of the ambulances associated with the applicant's business is not permitted by ordinance.

Conclusion

We understand there are broader issues that were not part of this application for an interpretation of zoning, related to overnight parking and what constitutes the storage of vehicles. Regardless of the definition of storage of vehicles and the subsequent review of §25-12, the ambulances may not be parked at the business location without a variance from the Board of Adjustment.

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

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



§ 25-12 PARKING AND LOADING SPACE REQUIREMENTS.

§ 25-12.1 General Provisions for Off-Street Parking.

In all districts off-street parking spaces for the storage or parking of passenger vehicles of occupants, employees and patrons of main buildings and structures hereafter occupied or used shall be provided in accessory private garages or in accessory parking areas in amounts not less than specified in this section, provided that nothing in this section shall prevent the repairing, reconstruction or rebuilding and continued use, pursuant to § 25-24, of any nonconforming building or structure lawfully existing. All parking areas in all uses other than one-, two- and three-family houses shall meet all of the following requirements:

- a. All off-street parking areas shall be surfaced with an asphalt, bituminous, or cement binder pavement which shall be graded and drained to dispose of all surface water as provided by the Township Engineer. There shall be a five-foot-wide sidewalk at least five inches above the parking area level between any building and a parking area or drive used by the public.
- b. The entire perimeter of all parking areas and the edges of all entrance and exit drives shall be enclosed with a concrete or granite block curb at least six inches above the paving surface. Curbing shall not be less than five feet from any fence or screening nor less than five feet from any structure. Where required, concrete wheel stops shall be provided.
- c. All parking spaces within a parking area shall be clearly marked showing the parking arrangement and traffic direction within the parking area, and such marking shall be continuously maintained.
- d. Any lighting in connection with off-street parking shall conform with § 25-14 of this chapter.
- e. Any parking area shall be screened on any side which adjoins or faces premises situated in any residence district by a fence, wall, berm, evergreen or hedge maintained in good condition as required. The fences as required by this subsection may be waived by the Planning Board or the Zoning Board if in the Board's judgment, because of the topography or other extraordinary or exceptional conditions, the fence is not necessary to protect the adjoining property.

f. All parking areas shall be so designed that vehicles are not compelled to back directly onto a public right-of-way.

g. Such parking area shall be used solely for the parking of passenger automobiles and no repair work or service of any kind shall be conducted in the parking lot. No permitted sign shall be larger than two square feet in area.

h. All parking areas shall be designed with service aisles to meet the following standards:

1. Parallel parking, twelve-foot aisle width.
2. 30° angle parking, eleven-foot aisle width. One-way.
3. 45° angle parking, thirteen-foot aisle width. One-way.
4. 60° angle parking, eighteen-foot aisle width. One-way.
5. 90° angle parking, twenty-four-foot aisle width. Two-way.
6. All driveways for two-way traffic shall be a minimum of 24 feet wide and in no case shall a driveway be less than 14 feet wide.

i. Each entrance or exit from such parking area shall be at least 50 feet from any residential district.

j. Every off-street parking area shall be subject to site plan approval by the Planning Board or Board of Adjustment to ensure its adequacy, relation to traffic safety and protection of the adjacent properties.

k. Off-street parking facilities as required by this chapter shall be provided on the same lot as the principal building or use that they serve, except that off-site parking facilities for nonresidential uses in the B-1, B-2, OB-1 and OB-2 Districts may be provided on properties within 250 feet of the lot on which the principal building is located.

l. Off-street parking facilities may be placed in any required yard in the I, I-B, P-C and O-R Districts, provided the parking area, placed in the front yard, is at no point closer to the public right-of-way than 1/2 the setback requirement or 50 feet,

whichever is less. No parking in the side yard shall be closer than 1/2 the side yard requirements to the side property line or 10 feet, whichever is greater. In the O-B and B Districts, off-street parking may be placed in the side or rear yard only.

m. The parking requirement for a building or development with a mix of nonresidential uses shall be the total of the requirements of the component uses, computed separately in accordance with the provisions of this subsection. Shared parking shall be permitted for a mixed-use development containing a residential use, per § 25-12.2a3.

n. The amount of parking area to be improved as required by § 25-12.2 may be reduced by the Planning Board or Board of Adjustment if it can be clearly demonstrated by the applicant that the full amount of parking area is not necessary; however, the area to remain unimproved shall at all times be available for parking in the event that future conditions should so require, shall be fully graded and suitably landscaped in keeping with the remainder of the site. The approved site plan shall show the location of all required parking stalls and shall designate those spaces which meet the definition of compact size as described in Subsection p below. The Board, in its discretion, may allow up to 25% of the total number of required spaces to be designated as compact size if the applicant presents adequate proof that such spaces will not adversely affect the health, safety or welfare of the Township and/or the users of the subject property.

o. Landscaped plans shall be submitted for detailed planting within the parking area. In parking areas with 30 or more parking spaces, there shall be a minimum of one tree plus ground level planting for each 10 parking stalls, which may be provided within and/or on the perimeter of the parking area. The maximum length of a single row of parking spaces shall be 20 spaces, at which point a landscaped area with a minimum width of eight feet shall be provided.

p. Standard size parking spaces shall have minimum dimensions of nine feet by 18 feet measured perpendicular to the axis of the length with adequate provision for ingress and egress to all parking spaces. Compact size spaces shall not be less than eight feet by 15 feet, if approved by the Planning Board or Board of Adjustment.