



MEMORANDUM

TO: Township of West Orange Planning Board

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

RE: PB-25-03 – 9 Schindler Terrace
Block 166.13, Lot 1 C0105

DT: June 28, 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 May 16, 2025.
- ✓ Township of West Orange Site Plan/Subdivision Checklist
- ✓ Reason for Relief.
- ✓ Plans titled: "Kantor Residence Amended Site Plan, Variance Application – Proposed Deck Expansion, Block 166.13, Lot 1 – C0105, Township of West Orange, New Jersey, dated 5-6-2025, consisting of two (2) sheets (including inset sheet), prepared by Michael T. Lanzafama, of Casey & Keller, Inc. PE, PP.

Project Summary

On property located in the Township's ***R-C (Residential Cluster Development) District***, the applicant/owners ***Jeffrey & Sara Kantor***, propose to expand an existing deck, which extends 5-feet off the rear of their townhouse, to a deck that would extend 10-feet from the townhouse.



The existing single-family townhouse dwelling **is permitted** in the R-C District. However, the proposed expansion of the existing deck will create a condition for which a variance will be required. The applicant is also seeking to amend the existing site plan approval to permit the proposed expansion of the existing deck.

Required Variance Relief

- Rear Yard Setback – Pursuant to the Township of West Orange Zoning Ordinance **§25-7.1, Part B**, a minimum rear yard setback of 50-feet is required from a townhouse, and the applicant proposes a rear yard setback of 45.25-feet. **A C-variance is required to permit a lesser rear yard setback than required.**
- Natural State Buffer – Pursuant to the Township of West Orange Zoning Ordinance **§25-10.2d.4.**, a “*natural state buffer*” zone consisting of only upgraded natural land contours and natural or filled in planting, of not less than 50-feet contiguous to the border of the other residential zone is required and the applicant proposes a natural state buffer of 45.25-feet. **A C-variance is required to permit a lesser natural state buffer than required.**

Project Description

The subject site is a 7.8-acre corner parcel, which is improved with a townhouse development. The development is configured with eight (8) townhouse building clusters, each with six (6) townhouse units. The subject property is a townhouse unit situated in the southernmost building, located on the western side of Schindler Terrace. The subject property backs up on the western property line, which is contiguous with the municipal border with the Township of Livingston.

An existing deck extends from the 2nd floor rear façade of the subject property. A brick patio also extends from the rear façade on the 1st floor, directly below the 2nd floor deck. The applicant proposes to extend the existing deck on the 2nd floor. The existing deck, which currently extends 5-feet out from the rear façade, will be removed and replaced by a new deck that will extend 10.25-feet out from the façade. Beyond the proposed location and size, no details have been provided about the construction of the proposed deck.

Plans show that the proposed deck will have similar dimensions to the existing deck located off the rear of the townhouse unit located to south in the same building, three townhouse



units to south of the subject property. Plans further indicate that the proposed rear yard setback from the applicant's deck, following the expansion, appears to align with the existing (enlarged) deck to the south.

Site & Area Description

Street Address: 9 Schindler Terrace
Block & Lot: Block 166.13, Lot 1 – C-0105
Zoning District: R-C (Residential Cluster Development) District
Total Site Area: 7.8-Acres *(Includes entire townhouse development)*

Location Map



Location Map – The property in question is outlined in red on the Google aerial map above. The subject site is located on the western side of Schindler Terrace. Within the Normandie Estates development.



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9 Schindler Terrace
Block 166.13, Lot 1 C-0105

Photo Survey



Photo 1: Aerial view of the subject property located at 9 Schindler Terrace. The subject property is marked by the red box.



Photo 2: View of the subject property from the street frontage on Schindler Terrace.



Photo 3: View of the subject property from the rear. Pictured here is the existing deck, which the applicant proposes to extend out 5-feet further to the west.



Planning Considerations

The subject site is located within the **R-C (Residential Cluster Development) District**. Among the permitted principal uses in this district are:

Permitted Principal Uses

- Townhouses
- One-family, detached dwellings

Permitted Accessory Uses

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

The chart below has been created to identify bulk deficiencies.

Required Standard	Permitted/Required in R-C District	Proposed	Variance Required
Use	Single-Family Townhouse Dwelling	Single-Family Townhouse Dwelling	No
Min. Lot Area	10-Acres	7.8-SF	No*
Min. Rear Yard Setback	50-Feet	45.25-Feet	Yes
Natural State Buffer	50-Feet	45.25-Feet	Yes
Max. Lot Coverage	35%	21%	No
Max. Building Coverage	20%	16%	No

Note: * - Existing 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 to expand an existing 2nd floor deck, which extends 5-feet off the rear of their townhouse, with a new deck that will extend 10-feet from the rear façade. The existing single-family townhouse dwelling **is permitted** in the R-C District. However, the proposed expansion of the deck will create a condition for which variances are required.

Specifically, the proposed expansion off the rear of the townhouse will extend into both the required rear yard setback and the required “natural state buffer.” Whereas a minimum rear yard setback and natural state buffer of 50-feet is required, the applicant proposes 45.25-feet for each. **In my opinion, the variance being requested to permit the encroachment of the expanded deck into the rear yard and the natural state buffer, can be granted with no substantial adverse impact on the surrounding properties nor on the overall integrity of the R-C District.**

The total encroachment will be 5.25-feet, which in my opinion is de minimis, relative to the extent of setback area. Further, the natural state buffer includes a substantially wooded



area, which will continue to provide an adequate buffer to the residential uses to the south, fronting on Chetwynd Terrace, located within the Township of Livingston.

Finally, the subject property is not the only townhouse unit in the building block with the subject property that will encroach into the rear yard and natural state buffer. As detailed above, the subject property is one of six (6) attached townhouse units in the building block. The two (2) townhouse units located on each end of the building include a similar 2nd floor deck that extends out from the rear façade. With the exception of the townhouse unit at the southernmost end of the building block, the exterior decks are all within the required 50-foot rear yard setback and natural state buffer. In the case of the townhouse at the southernmost end, however, the deck extends out approximately 10-feet and encroaches into both the setback and buffer, similar to what is being proposed by the applicant.

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 attain any approvals needed from the home owners association or similar body with jurisdiction over the development to permit the requested expansion.