



**Consulting & Municipal
ENGINEERS**

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November 14, 2025

West Orange Township – Zoning Board
66 Main Street
West Orange, NJ 07052

**Re: Pardo Development Group – CME Planning Review #1
104 Winding Way
Block 46.01, Lot 33
Zone: B-2 General Business
Our File No. 115.WRZ0105.V01**

Dear Chairman and Board Members:

1. Summary

The property is located at the end of Winding Way and Undercliff Terrace, adjacent to the Rock Spring Country Club. The applicant is proposing to develop the 14,352 square foot vacant wooded lot with a single family dwelling. Variances are required to permit construction on an undersized lot, insufficient lot width, side yard setbacks, insufficient floor area, excessive coverage, and for disturbance of regulated steep slope areas.





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2. Project and Property Description

The property is located technically on Winding Way, but is accessed by the end of Undercliff Terrace, as Winding Way is a paper street in this location. The property is 14,352 square feet in area, and is currently undeveloped and wooded, and contains steep slopes that rise uphill from the front of the lot to the back. Per Township regulations, the effective lot area of the site is 2,491 square feet once the steep slopes are factored.

The site is surrounded by single family residences on lots of varying sizes to the east and south, and by the Rock Spring golf course and country club to the west and north.

The applicant is proposing to remove some of the existing trees from the lot and construct a 2.5 story single family dwelling near the front of the lot, with a fence and retaining wall in the rear yard built into the slope of the site. One driveway access is proposed onto Winding Way, and an extension of Undercliff Terrace into the Winding Way ROW to access the site is proposed as well.

A tree survey provided indicates that 25 trees with a caliper of 4 inches or greater are proposed to be removed to accommodate the proposed dwelling, and requiring a minimum of 81 trees as replacement. 15 new trees are proposed on the site.

This is a supplemental planning review of this application. For additional information and project description, please see the initial planning reports issued by the Nishuane Group dated February 18, 2025 and April 7, 2025.

3. Zoning Compliance

The property is located within the R-1 Residential district of the Township.

Single family dwellings are permitted as principal uses.

4. Variances & Waivers Required

It appears that the following conditions are not in compliance with the Township's land development regulations and will require variance or design waiver relief from the Board to permit the project as proposed:

Variances:

- a. **§25-7.1 Lot Area** – The minimum required effective lot area is 80,000 square feet, where 2,491 square feet is proposed.
- b. **§25-7.1 Lot Width** – The minimum required lot width is 150 feet, where a lot width of 76 feet is proposed.



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- c. **§25-7.1 Side Yard** – The minimum required side yard setback for principal structures is 25 feet, where side yard setbacks of 11.4 feet and 15.1 feet are proposed.
- d. **§25-7.1 Building Coverage** – The maximum permitted building coverage is 20%, where building coverage of 64% is proposed.
- e. **§25-7.1 Lot Coverage** – The maximum permitted impervious lot coverage is 30%, where an effective lot coverage of 111.6% is proposed.
- f. **§25-9.8 Minimum Floor Area** – The minimum required floor area for a 2.5 story home in the R-1 district is 3,000 square feet, where a home with a floor area of 2,689 square feet is proposed.
- g. **§25-8.4 Fences** – Fences in a front yard area are not permitted to be more than 50% solid, where a solid fence is proposed in the front yard.
- h. **§25-28.8.f(11) Walls** – Retaining walls are permitted to have a height of up to 4 feet, where retaining walls of over 20 feet are proposed.
- i. **§25-28 Steep Slope** – Areas with a slope grade of 25% or greater are not permitted to be disturbed, where disturbance of 5,769 square feet is proposed, and slopes with a grade of 20% or more are permitted to be disturbed at a rate of no more than 20% of the area, and 81.4% (746 s.f.) of slope area is proposed to be disturbed.

5. Master Plan Considerations

The Township's Master Plan was last reexamined in December of 2019. The following goals, objectives, and recommendations of the Master Plan may be relevant to this application:

- Maintain the existing scale of the community.
- Improve and maintain existing residential neighborhoods.
- Encourage appropriate residential development.
- Protect natural features and environmental resources.

6. Planning Comments

- a. All comments provided in the previous planning report of the Nishuane Group, dated April 7, 2025, remain valid and should be addressed by the applicant.
- b. The application as proposed requires the removal of several specimen trees, and the disturbance of steep slopes. The applicant should provide testimony addressing any



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attempts or consideration that has been made to develop the site with a single-family home while minimizing the removal of trees and disturbance to steep slope areas.

- c. The application as proposed will also require several bulk or 'c' variances. The applicant must satisfy both the positive and negative criteria for each of these variances as well:
 - i. **Positive Criteria:** The applicant must show that either there is an undue hardship (practical difficulty) in strictly conforming to the code that is caused by the unique conditions of the property (c-1 hardship), or that the proposed conditions represent a preferable alternative to conforming to the standards of the code, that the purposes of zoning will be advanced, and that the benefits of the deviation would outweigh any detrimental impacts (c-2 flexible).
 - ii. **Negative Criteria:** The applicant must show that the variance can be granted without substantial detriment to the public good, and without substantially impairing the intent and purpose of the zone plan.
- d. Although the variance required for insufficient lot area is an existing non-conforming condition, we note that there is case law (Dallmeyer v Lacey Township) that suggests that before establishing a hardship for an insufficient lot area, it is permissible for a Board to consider whether or not there have been any attempts by the property owner to bring the lot into or closer to conformance through acquisition of additional property. The applicant should address whether any attempts have been made to acquire additional lands adjoining this property. We note that the lands immediately north of the property (Block 160, Lot 10) are vacant, and a part of the much larger parcel that contains the golf course.
- e. The resolution of the Board denying a similar variance application in 2005 does indicate that at the time, the property was unable to obtain any additional lands to expand the property.
- f. The applicant shall provide testimony addressing the tree replacement requirements of the Township code at §28-8. We note that payment in lieu of planting is permitted. We defer any further comment on tree removal and replacement to the Township Forester.
- g. We defer any comment on grading, drainage, utilities, and stormwater management to the Board Engineer.
- h. The applicant should address the status of any necessary outside agency approvals.



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If you have any questions about this report, please do not hesitate to reach out to our office.

Sincerely,

CME Associates

Christopher N. Dochney – PP, AICP
Program Manager
Zoning Board Planner

CD

cc: Geniece Gary-Adams – Township Zoning Official
Zayibeth Carballo, PE, PLS, PP – Township Engineer
Steven Warner, Esq. – Board Attorney
Alex Fisher, Esq. – Board Attorney
John Hess, PE, PP, CME – Board Engineer
Ryan MacNeill, PE – Board Engineer
Pardo Development Group, LLC - Applicant
Stephen F. Hehl, Esq. – Applicant's Attorney
Giovanni Manilio, PE – Applicant's Engineer
Paulo Dantas – Applicant's Architect



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7. Materials Submitted

The following materials have been submitted and reviewed in association with this application:

- Five (5) sheet set of Variance Plan drawings prepared by manTERRA design, LLC, dated August 28, 2023, revised to November 4, 2025;
- Three (3) page response letter from manTERRA Design, LLC, dated November 4, 2025;
- Tree survey table and removal plan, author unidentified, undated;
- Copy of Resolution ZB-03-39 of the Township Zoning Board of Adjustment, dated August 18, 2005;
- One (1) sheet boundary and topographic survey of property, prepared by EKA Associates, dated April 9, 2020;
- Zoning Board application forms and description of project for subject property, dated October 21, 2024;
- Copy of Planning Report for subject application prepared by Nishuane Group, dated April 7, 2025;