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October 27, 2025

BY EMAIL AND FEDEX

Diana Chandler, Secretary
Zoning Board of Adjustment
Township of West Orange
66 Main Street
West Orange, New Jersey 07052

**Re: 127 Mitchell Street, LLC
Variance and Site Plan Application
512-516 Pleasant Valley Way
Block 154.06, Lots 11 and 12
Our File No.: 16002.1000**

Dear Ms. Chandler:

Enclosed please find six copies of the report of John McDonough dated October 23, 2015 and an application Rider revised in light of Mr. McDonough's report.

Very truly yours,

/s/ William C. Sullivan, Jr.

WILLIAM C. SULLIVAN, JR.
For the Firm

Enclosures

cc: Issac Lefkowitz
Laurance Appel
Michael Lanzafama

PROPOSAL AND REASONS FOR RELIEF

APPLICATION OF 127 MITCHELL STREET, LLC

512 AND 516 PLEASANT VALLEY WAY, BLOCK 154.06 LOTS 11 AND 12

WEST ORANGE ZONING BOARD OF ADJUSTMENT

PROPOSAL:

Applicant 127 Mitchell Street LLC (“Applicant”) is the owner of properties located at 512 and 516 Pleasant Valley Way, also known as Block 154.06 Lots 11 and 12 on the West Orange Tax Map. The two-story building located at 516 Pleasant Valley Way, (Lot 11), is a mixed use structure including commercial space on the first floor and an apartment on the second floor. A single-family home is located at 512 Pleasant Valley Way (Lot 12). The property is located in the OB-1 Zone.

The Applicant proposes to demolish the single family home on Lot 12, build an addition on the rear of the existing mixed use building on Lot 11, and construct parking on Lot 12. The addition would include ground floor and first floor office space and two apartments on the second floor.

Mixed uses are not permitted in the OB-1 Zone. (They are permitted in the B-1, B-2, P-C, O-R and I zones, per Ordinance section 25-8.12). Mixed uses have been conducted at Lot 11 since at least 1987. See the Attached prior Board Resolutions and specifically Resolution ZB-91-22. The Applicant proposes to expand the building at Lot 11 and move parking to Lot 12, so the mixed use previously permitted by the Board by variance would expand. Therefore, the Applicant requests a (d)(2) variance to expand a pre-existing nonconforming use. At the hearing, the Applicant will present testimony supporting that relief, including the fact that under the existing and proposed conditions, the property will remain the location of a mix of commercial and residential uses, with site improvements and without substantial detriment to the public good or the purpose of the Ordinance and Plan. In fact, the 2010 Master Plan Update recommended rezoning of these parcels and other OB-1 lots nearby into the B-1 Zone, which permits mixed use.

Applicant also seeks a (d)(5) variance in regard to the lot area per unit to be provided. The Ordinance requires lot area of 6000 sq ft per unit in the OB-1. Under existing conditions, the combined lot area of Lot 11 and 12 provides 8,121 sq ft per unit for the two units on the lots. The single family home has been present for many years and the apartment has been present since at least 1987. The Applicant proposes to add a third residence on the combined lots, resulting in 5,414 sq. ft. per unit. Relief under (d)(5) is justified in part because the OB-1 standard for lot area per unit follows the requirement in the R-6 zone. But only single family homes are permitted in that zone, explaining the desire for greater lot area. The 6000 sq ft per unit obligation is not appropriate to this property and adding a unit to the project on the combined lots will not cause any substantial detriment.

The Applicant also requests

- 1) A front yard setback variance, reducing the setback from the existing condition by 0.07 feet (30 feet required, 14.37 feet existing, 14.30 feet proposed);
- 2) a height variance resulting in a height of 0.67 feet above the 35-foot maximum, matching the height of the existing structure;
- 3) a lot coverage variance increasing coverage by 70 sq ft (maximum 50% permitted; existing 68.64%; proposed 69.07%); and
- 4) a one-space parking variance (23 required; 22 proposed)

At the hearing, the Applicant will present testimony that this relatively de minimis relief should be granted.

The Applicant also requires preliminary and final site plan approval. The testimony will support a finding of compliance with the Site Plan Ordinance. The Applicant and its professionals will work with the Board professionals to address any comments and questions.

John McDonough Associates, LLC

Land Use Planning · Landscape Architecture

PLANNING REPORT

PREPARED FOR

127 MITCHELL STREET, LLC

FOR PROPERTY LOCATED AT

**512-516 PLEASANT VALLEY WAY
BLOCK 154.06 LOTS 11 & 12
TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NJ**

(October 23, 2025)



John McDonough, LA, AICP, PP
NJPP License #33LI00518900

The original of this report was appropriately signed and sealed in accordance with laws and regulations pertaining to the practice of Professional Planning in New Jersey (NJS 45:14A and NJAC 13:41-1.3(b))

Summary Overview

This report has been prepared in support of an Expansion of Nonconforming Use Variance (D-2) application submitted by 127 Mitchell Street, LLC for property located at 512-516 Pleasant Valley Way, designated as Block 154.06 Lots 11 & 12 on the official tax map of the Township of West Orange.

The application proposes to demolish the existing single-family dwelling on Lot 12 and develop a building addition off the rear portion of the existing mixed-use building on Lot 11.

The subject property is located in the OB-1 (Office Building) District, where the existing/proposed mixed-use building is not explicitly permitted under the current zoning regulations. As such, the applicant is requesting D-2 variance relief pursuant to N.J.S.A. 40:55D-70(d)(2) to continue and expand the existing nonconforming use.

The report is generally structured into 4 segments: a description of existing conditions; a description of proposed conditions; a description of the zone and the project's conformance or deviation from the literal requirements therein; and application of the statutory criteria for relief.

Qualifications of Preparer

John McDonough Associates, LLC is a land use planning and landscape architecture consulting firm with office location in Parsippany, New Jersey.

John McDonough, LA, PP, AICP is a licensed professional planner and landscape architect in the State of New Jersey. Both licenses are current and in good standing. He is also a member of the American Institute of Certified Planners. All licenses have been obtained through requisite showing of educational and experience requirements and passing of license examinations (none have been achieved through reciprocity). All licenses have been maintained through participation in mandatory continuing education courses.

Mr. McDonough has been practicing as a land use consultant for over 30 years. He has been recognized as an expert in land use matters before hundreds of boards and commissions throughout the State of New Jersey, and in Superior Courts. He has been a regular speaker at the League of Municipalities annual conference and at Rutgers University Bloustein School of Planning and Public Policy.

Existing Conditions

The subject property consists of two tax lots, identified on the municipal tax map as Block 154.06, Lots 11 & 12, with a street address of 512-516 Pleasant Valley Way. In aggregate, the property has a total area of approximately 16,242 square feet (0.373 acres), which is substantially oversized relative to the minimum lot area requirement of 10,000 square feet in the OB-1 (Office Building) Zone.

The site is currently improved with a single-family dwelling on Lot 12 and a mixed-use building containing office space on the first floor and a dwelling on the second floor on Lot 11. Each lot is served by its own separate parking lot at the rear, with access via driveway along Pleasant Valley Way.

Surrounding land uses are varied, with residential, offices, schools and commercial uses along Pleasant Valley Way. Behind the property there are residential dwellings that have frontage along Beasley Street.



Figure 1 – Aerial view of subject property (Source: njpropertyrecords.com)



Figure 2 – View of the single-family dwelling on Lot 12 (Source: njpropertyrecords.com)



Figure 3 – View of the mixed-use building on Lot 11 (Source: njpropertyrecords.com)

Proposed Conditions

The applicant, 127 Mitchell Street, LLC, is proposing to demolish the existing single-family dwelling on Lot 12 and construct a building addition in the rear of the existing mixed-use building on Lot 11. The addition will accommodate additional office space within the ground floor and two new dwellings within the upper floors. This would bring the total number of residential dwellings in the building to three dwellings.

Parking will be accommodated in a 22-car surface parking lot to the left of the mixed-use building, on existing Lot 12, with access provided via curb-cut along Pleasant Way Avenue.

Zoning Considerations

The subject property is located in the OB-1 (Office Building) Zone. Pursuant to Section 25-7.1 (Attachment 2) of the municipal zoning ordinance, the existing/proposed mixed-use building is not permitted in the zone. As such, the applicant respectfully seeks 'D-2' expansion of nonconforming use variance relief to enlarge the existing mixed-use building. The applicant also seeks 'D-5' density variance relief as it relates to minimum lot area per dwelling. 'C' variance relief is also required, as listed in Table 1, below.

Table 1 ~ Variance Relief Schedule

'D' Variances			
<u>Section</u>	<u>Item</u>	<u>Required/Permitted</u>	<u>Proposed/Provided</u>
§ 25-7.1 (Attachment 2)	Permitted Uses (D-2 Variance)	Not Permitted	Mixed-Use
§ 25-7.1 (Attachment 3)	Lot Area per Dwelling (D-5 Variance)	6,000 SF	8,121 SF
'C' Variances			
<u>Section</u>	<u>Item</u>	<u>Required/Permitted</u>	<u>Proposed/Provided</u>
§ 25-7.1 (Attachment 3)	Front Setback	30'	14.30'
§ 25-7.1 (Attachment 3)	Building Height	35'	35.67'
§ 25-7.1 (Attachment 3)	Lot Coverage	50%	69.07%
§ 25-12.2 / RSIS	Number of Parking Spaces	23	22

Planning Justifications for Relief – D-1 Use Variance

Legal basis for relief

The statutory test for evaluation of expansion of a nonconforming use variance relief pursuant to N.J.S.A. 40:55D-70.d.(2) is established by the court case Burbridge v. Mine Hill Twp., 117 N.J. 376 (1990). The essence of the test is not whether the site is suitable for the proposed use, but rather whether the proposal represents an improvement to the existing conditions. These site betterments can be demonstrated through an analysis of the “special reasons”, as set forth below.

1. *Special Reasons*. The proposed project advances several purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2, thereby satisfying the statutory “special reasons” requirement for a use variance.

- Purpose A – *To promote the public health, safety, morals, and general welfare* – is advanced through the expansion of the permitted office use, making it more desirable and usable for a variety of permitted office uses. The residential component of the proposal provides for a variety of housing options to meet the needs of all New Jersey residents, especially with “missing middle housing”, or residential building forms that provide a density between that of single-family homes and large-scale apartment buildings.
- Purpose G – *To provide sufficient space in appropriate locations for a variety of uses* – is supported by the site's location along a roadway that is already characterized by a variety of land uses. Along Pleasant Valley Way, there are commercial uses, office uses, residential uses and schools. Therefore, the proposed mixed-use building will be complimentary to the established pattern of the area. It is also a well-served area that provides everyday amenities for the proposed residents.
- Purpose I – *To promote a desirable visual environment through creative development techniques and good civic design* – is achieved through proposing a building addition that is responsive to the existing building and will be complimentary.
- Purpose M – *To encourage the efficient use of land* – is served by proposing a building footprint that is compliant with the requirement for building coverage and taking advantage of that compliant footprint to provide upper stories in keeping with that of the existing portion of the building. In other words, the residential dwellings can be accommodated without triggering relief related to building massing.

2. *Negative Criteria*. The proposed use can be granted without substantial detriment to the public good or substantial impairment of the intent and purpose of the zone plan and zoning ordinance. As noted above, there are both office uses and residential uses along Pleasant

Valley Way, so the existing mixed-use building, being a blend of that which is prevalent in the area, does not stand out in the context of the area. The expansion of the existing building does not trigger substantial new variance relief, essentially taking advantage of the existing development on the property. Further, the majority of the proposed addition will be located in the rear of the existing building, which mitigates the visual impact of the addition from the street.

Planning Justifications for Relief – D-5 Density Variance

Legal basis for relief

The statutory test for evaluation of density variance relief pursuant to N.J.S.A. 40:55D-70.d.(5) is established by the court case Randolph Town Center Assoc. v. Twp of Randolph, 324 N.J. Super. 412 (App. Div. 1999). The essence of the test is whether the site can accommodate the additional density. In this case, the permitted density in the zone would yield 2.7 units, while the application proposes 3 units. The additional 0.3 units over what is permitted can be accommodated on the property without detriment by virtue of the units being contained within a building footprint that represents about half of the allowable building coverage in the zone. In other words, the additional 0.3 units does not result in an oversized or obtrusive building. For these reasons, the negative criteria is satisfied for grant of D-5 density relief. The “special reasons” applied to the D-2 variance carry forth to the D-5 variance, as they relate to the benefits flowing from the project taken as a whole, thereby satisfying the positive criteria.

Planning Justifications for Relief – ‘C’ Variance

Legal basis for relief

The requested ‘C’ bulk variance relief can be granted pursuant to N.J.S.A. 40:55D-70.c.(2), whereby the benefits of the application taken as a whole substantially outweigh any detriments. All of the “special reasons”, or positive criteria, from the D-2 variance carry forth to the ‘C’ bulk relief – all bulk relief is necessary to effectuate this overall beneficial project. In terms of the negative criteria, none of the relief will result in a substantially detrimental impact to the zone plan or the public. All of the ‘C’ variances are de minimis in nature and will not be perceived as deviations from the zone plan. The front setback variance is the result of decreasing the existing front setback by only 0.7 feet, bringing it from 14.37 to 14.30. Likewise, the lot coverage variance is the result of increasing the existing lot coverage by only 0.43%, bringing the total from 68.64% to 69.07%. The proposed building height is only 0.67 feet above the permitted maximum and the proposed number of parking spaces is only 1 space short of the minimum. From a public impact standpoint, the proposal is working with an existing development rather than introducing something brand new. Importantly, despite the fact that the building addition is in the rear of the

property, the rear setback is compliant. Therefore, the proposal will not have a substantially adverse impact on its neighbors or the general area.

Conclusion

The application satisfies the statutory criteria established in Burbridge v. Mine Hill Twp., 117 N.J. 376 (1990) and Randolph Town Center Assoc. v. Twp of Randolph, 324 N.J. Super. 412 (App. Div. 1999) for grant of the 'D' variance relief being sought. 'C' bulk variance can be granted pursuant to N.J.S.A. 40:55D-70.c.(2).

The applicant has sustained its burden within the framework of the law. The development is an infill development that will be appropriate considering the development in the immediate area. The application is consistent with sound planning principles for orderly community growth and development, and approval is warranted.