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December 10, 2025

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

**Re: 127 Mitchell Street, LLC – Planning Review #1
512 and 516 Pleasant Valley Way
Block 154.06, Lot 11 and 12
Zone: B-2 General Business
Our File No. 115.WRZ0105.V01**

Dear Chairman and Board Members:

1. Summary

The site consists of two adjacent lots located on Pleasant Valley Way roughly 550 feet south of Eagle Rock Avenue (County Route 611). Lot 11 is an 8,770 square foot (0.20-acre) property located at 516 Pleasant Valley Way and is currently developed with a mixed-use building incorporating a commercial space on the first floor and an apartment on the second floor. Lot 12 is a 7,412 square foot (0.17-acre) lot located at 512 Pleasant Valley Way, and is developed with a single-family home. The applicant proposes to expand the existing mixed use building, demolish the home, and construct a new 22-space parking lot on the site. A D(2) use variance relief is required to permit the expansion of an existing non-conforming use.



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NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000

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2. Project and Property Description

The subject site is made up of two adjacent properties that are located on Pleasant Valley Way approximately 550 feet south of the intersection with Eagle Rock Avenue, in the northern portion of the Township. The 16,242 square foot (0.37 acre) tract consists of Lot 11 and Lot 12. Lot 11 is a 8,770 square foot (0.20-acre) lot developed with a two-story mixed-use building containing office space on the first floor and an apartment on the second floor. Lot 12 is a 7,412 square foot (0.17-acre) parcel developed with a single-family home and a storage shed in the rear of the lot. Each lot is accessible to Pleasant Valley Way with its own driveway and parking lot towards the rear of the lots. The parking on Lot 11 has approximately 11 parking spaces.

Surrounding the site is a mixture of uses, including residential, commercial, civic, educational, and recreational uses.

The applicant is proposing to demolish the existing single-family home on Lot 12 and develop a new parking lot with 22 off-street parking spaces. Access to the parking lot would come from a new 24-foot wide driveway onto Pleasant Valley Way. The applicant also proposes to construct an expansion to the mixed-use building on Lot 11, which will be located behind the existing structure. The building expansion will consist of 1,790 square feet of office space on the lower/cellar level, 1,510 square feet of office space on the ground level, and 2 new residential apartments on the second floor. Both apartments are proposed as multi-level spaces with a bedroom and den space on the second floor, and a bedroom in the attic or third floor of the building.

Additional improvements proposed at this time include lighting of the parking lot, landscaping along the street frontage, a garbage enclosure in the rear of the parking lot, and a retaining wall along the southern lot line of the site.

As the project is considered a major site plan, review by the Township's Site Plan Review Advisory Board (SPRAB) is required.

3. Zoning Compliance

The property is located within the OB-1 (Office Business) district of the Township.

Use Requirements

The OB-1 (Office Business) district permits office buildings, single-family detached dwellings, water resource storage, government buildings, golf courses and clubhouses, hospitals, farms, nurseries, greenhouses, and similar uses.

A mixed-use building consisting of office space and residential apartment dwellings currently exists on the property. Mixed uses or more than one principal use on a lot is expressly permitted and apartment dwellings are not permitted in the OB-1 district. A d-1 use variance was previously granted. This application represents an expansion or amendment to the previous d-1 variance.



Bulk Requirements

All development in the OB-1 district is subject to the following bulk regulations:

OB-1 Zone Bulk Requirements				
	Required / Permitted	Existing	Proposed	Variance
Min Lot Area	10,000 sf	8,770 sf (Lot 11) 7,472 (Lot 12)	16,242 sf (0.37 acre)	No
Min Lot Area (per residential unit)	6,000 sf	8,121 sf	5,414 sf	Yes
Lot Width	60 feet	67.49 feet (Lot 11) 57.50 feet (Lot 12)	124.99 feet	No
Min Front Yard	30 feet	14.4 feet	14.4 feet	ENC
Min Side Yard	10 feet + 8 feet	15.43 feet	67.84 feet + 9.05 feet	No
Min Rear Yard	30 feet	65.15 feet	31.10 feet	No
Max Bldg Coverage	40%	16.48% (2,676 sf)	20.85% (3,387 sf)	No
Max Lot Coverage	50%	68.64% (11,149 sf)	69.07% (11,219 sf)	Yes
Max Building Height	35 feet / 2.5 story	35.67 feet / 2.5 stories	35.67 FT / 2.5 stories	Yes
Min Buffer Width	20 feet	0 feet	+/- 10 feet	Yes
V = Variance; ENC = Existing Non-Conformity				

Open Space Requirements

§25-11.6 - Open space is required at a ratio of one square foot of open space for every square foot of building area. Approximately 9,000 square feet of building area is proposed, with less than 5,000 square feet of area on the site that could potentially be considered open space.

The precise building floor area should be confirmed.

Utility Screening

§25-8.15: Utility Screening. Ground level utilities such as HVAC equipment is required to be screened by landscaping on three sides of the units. The existing air-conditioning units serving the building are located along the southern side of the existing building and are not screened on



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any of the sides to conceal the box throughout all seasons of the year, and no screening is proposed.

Parking & Loading

Off-street parking is required for mixed-use buildings at a minimum of the following:

- Office: 1 space for 250 sf of gross floor area = $4,666/250 = 19$ spaces required
- Apartments: 2 spaces per 2-bedroom apartment x 3 apartments = 6 spaces required
- 25 total parking spaces are required by code
- 21 parking spaces are proposed. With 2 of those parking spaces proposed to be EV make-ready spaces, the required amount of parking can be reduced by 2, to 23 spaces being required.
- A variance will be required for insufficient parking.

A shared parking approach may be utilized since housing is included in the mixed-use development, per **§25-12.2(a)(3)** of the Township Code.

No off-street loading is required for residential or office uses.

4. Variances & Waivers Required

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

Variances:

- a. **§25-7.1 Attachment 2 Permitted Uses** – Mixed uses, as well as apartment dwellings are not expressly permitted in the OB-1 district. This is an expansion of an existing non-conforming use that was previously permitted by use variance. An amendment to the d-1 use variance will be required.
- b. **§25-7.1 Attachment 3 Lot Area per Dwelling Unit** – The minimum lot area per dwelling is 6,000 s.f., where a lot area of 16,242 s.f. is proposed for three dwelling units (5,414 s.f. per dwelling unit). As this exceeds the maximum implied density of the district, this requires a d-5 density variance.
- c. **§25-7.1 Attachment 3 Maximum Height** – The maximum permitted building height is 35 feet, where the building expansion will have a height to the peak of the roof of 35'-8", which matches the height of the existing building.



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- d. **§25-11.3b Buffer** – A buffer of at least 20 feet in width is required where any non-residential use abuts a residential use or residential zone. The rear of the site abuts residential uses, and a buffer of approximately 10 feet is provided.
- e. **§25-11.6 Open Space** – Approximately 9,000 s.f. of open space is required, where less than 5,000 s.f. is proposed.
- f. **§25-11.6 Parking Setback** – Parking areas are not permitted in the required front yard, or within 25 feet of the side or rear lot lines. The proposed parking lot will be setback approximately 15 feet from the front property line where 30 feet is required, less than 5 feet from the side lot line, and approximately 10 feet from the rear property line.
- g. **§25-12.2.b(1) Parking** – The minimum required number of parking spaces is 25, where 21 spaces are proposed. It should be noted that a shared parking approach may be utilized.
- h. **§25-14.3 Lighting** – A minimum of 0.6 footcandles is required to be maintained along pedestrian walkways, where lighting levels will be as low as 0.1 footcandles in portions of the pedestrian walkway.

5. Master Plan Considerations

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

- Encourage Appropriate Residential Development
- Properly Locate Public, Commercial/Retail, Industrial, Residential and Service Uses
- Promote Community Sustainability and Resiliency
- Promote a Desirable Visual Environment

6. Planning Comments

- a. The applicant should discuss the proposed project, addressing the general scale and scope of improvements proposed for the site. Testimony should be provided addressing the anticipated operations of the office use on the site, including the type of businesses, hours of operation, and number of employees on the site.
- b. The applicant should clarify whether lot consolidation is proposed as a part of the application.



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- c. The application as proposed will require an amendment to the previously granted d-1 use variance. Although this is technically an expansion of a non-conforming use and not the establishment of a new use on the site, under the case of *Puleio v. North Brunswick*, the courts determined that the d-2 variance only applies to uses that predate the adoption of the ordinance that would make them non-conforming, and not for uses that exist but were permitted by the granting of a d-1 use variance. However, as the use variance has already established that mixed uses can be permitted on site in the form of office and residential dwellings, the application of the statutory criteria should be very similar, if not essentially the same as what is necessary for a d-2 expansion of a non-conforming use.
- d. With any 'd' variance, the applicant has an enhanced burden of proof to demonstrate that both the positive and negative criteria can be satisfied before the Board can grant a 'd' variance:
 - i. Positive Criteria: The applicant must show that there are special reasons to grant the variance. Special reasons can come in one of three forms: 1) that there is an economic inutility in using the property for one of the permitted uses in the district; 2) that the proposed use is considered "inherently beneficial"; or 3) that the proposed use would promote the general welfare by advancing one of the purposes of zoning, and that the site is particularly suited for the use.
 - ii. Negative Criteria: The applicant must show that the proposed use will not have a substantial detrimental impact on the public good (quality of life for residents or character of the community), and will not substantially impair the intent and purpose of the zone plan.
- e. For expansions of non-conforming uses, the applicant must demonstrate that the site can accommodate the expansion, that the proposed expansion will improve the site conditions, and that with the expansion the site will continue to satisfy the negative criteria. Mixed uses of commercial office and residential apartments have already been permitted by variance on the site. The applicant must demonstrate that the site can reasonably accommodate the additional office space and two additional apartments without having a substantial negative impact on the surrounding community. The Board's consideration and the applicant's testimony should focus on the expansion and intensification of the use on the site, and not on whether the site is suitable or appropriate for a mix of office and residential uses on the same lot.
- f. The application as proposed will also require a D-5 density variance for exceeding the implied permitted density requirements for residential uses in the OB-1 Office Business district. For a density variance, similar to the expansion of the non-conforming use, the applicant must demonstrate that the site is suitable for the proposed density and can accommodate the intensity of the use while still satisfying the negative criteria required for 'd' variances.



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- g. We note that residential uses are permitted in the district, but only single-family dwellings under the requirements of the R-6 zone. So it appears that the maximum permitted density, as measured by the minimum lot area per dwelling requirements for the district, is based on an assumption that any residences would be single family dwellings rather than apartments.
- h. The application as proposed will also require several bulk or 'c' variances. These include the building height, buffering, lack of open space, parking, parking setback, and lighting. The applicant must satisfy the positive and negative criteria:
 - i. Positive Criteria: The applicant must show that either there is an undue hardship (practical difficulty) in conforming to the code (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.
- i. The applicant should confirm that the existing and proposed building expansion are 2.5 stories in height, rather than 3 stories. The Township's definition of a "half story" is:

"STORY, HALF — Shall mean an area under a sloping roof with less than 60% but more than 25% of its total floor area having a minimum ceiling height of seven feet six inches and with no portion of the area used for residential living purposes having a minimum ceiling height of less than three feet six inches."
- j. In the case of any d-1 or d-2 variance, the bulk standards that have been adopted for the particular district, in this case those of the OB-1 district, were adopted with the intent to apply to those uses that are expressly permitted. When the ordinance was drafted it was not necessarily contemplated that this particular use might be proposed for a site in the OB-1 district. The standards of the OB-1 district are not necessarily intended to apply to a mixed-use building or apartments. In these cases, bulk variances related to specific requirements of the OB-1 district can be considered subsumed within the Board's consideration of the 'd' variance. The Zoning Board can at its reasonable discretion determine appropriate bulk standards such as building setbacks and buffering requirements.
- k. The applicant should provide testimony addressing the lack of buffering, and any efforts that can be made to enhance the buffer between the site and the adjacent residential uses to the east, where currently only a row of arbor-vitae is proposed.
- l. The applicant should address the required open space set-aside for the site, and confirm the total proposed building area so that the required open space can be determined.



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- m. The applicant should address the screening of the air conditioning units. Will there be any new mechanical equipment outside of or on top of the building expansion?
- n. The applicant should clarify whether there will be any differentiation between employee parking for the office uses, and resident parking.
- o. The applicant should address anticipated demand for parking during peak hours, and in evenings. The Township code does permit shared parking as proposed, but there are no provisions in the code that permit a reduction in parking based on potential lack of overlap among the shared users, as can sometimes be the case between residences that typically use parking at night, while office users that require parking during the day.
- p. The applicant should address any green design measures being taken to enhance the sustainability of the project.
- q. Per §25-13.3.c, where any 'd' variance is required, at the discretion of the Zoning Board an environmental impact statement may be required of an application.
- r. We defer any comment on grading, drainage, utilities, and stormwater management to the Board Engineer.
- s. 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
Board Planner

CD

cc: Geniece Gary-Adams – Township Zoning Official
Zayibeth Carballo, PE, PLS, PP – Township Engineer
Steven Warner, Esq. – Board Attorney
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Ryan MacNeill, PE – Board Engineer
127 Mitchell Street, LLC - Applicant
William C. Sullivan Jr., Esq. – Applicant's Attorney
Michael T. Lanzafama, PE – Applicant's Engineer
John McDonough, AICP, PP – Applicant's Planner



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7. Materials Submitted

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

- A set of Preliminary and Final Site Plan drawings (11 sheets) prepared by Michael T. Lanzafama with Casey & Keller Incorporated of Millburn, New Jersey dated July 17, 2025.
- A set of signed architectural plans (5 sheets) prepared by Appel Design Group, Inc. of Florham Park, New Jersey, August 14, 2025.
- A Consulting Report prepared by John McDonough, AICP, PP with John McDonough Associates, dated October 27, 2025.
- A completed Application form, cover letter, and checklist September 16, 2025.
- Application supplemental submission cover letter, dated October 27, 2025.