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January 14, 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.

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

The Applicant seeks a zoning interpretation with respect to the term Required Accessory Parking, which is a permitted accessory use within the OB-1 Zone, to determine whether the Applicant's tenant lawfully can park its medical transport vehicles overnight.

Zoning (§25-7.1)

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.

Off-street Parking Regulations are governed by **§25-12 PARKING AND LOADING SPACE REQUIREMENTS**. The General Provisions for Off-Street Parking (§25-12.1) do not restrict the number of hours or times of day parking may take place in off-street parking areas.

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.

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.



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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. However, this review was limited to the scope of the application which requested the zoning interpretation of the term *Required Accessory Parking*.

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

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