

TO: Township of West Orange Planning Board

FROM: Malvika Apte, PP, AICP, Planning Board Planner *MA*
Langley Oudemans, Associate Planner

RE: PB Application 25-09
Planning Review # 2
68 Whittlesey Avenue
Block 129, Lot 58
Minor Subdivision Approval with Variances

DATE: June 26, 2026

We have reviewed the following newly submitted material since our previous Planning Review #1, submitted on March 2, 2026:

- 68 Whittlesey Avenue Proposed Minor Subdivision Plan prepared by Richard T. Watson of Borre, McDonald & Watson Land Surveyors, dated July 7, 2025, revised through December 17, 2025. The plan appears to be updated with **no revised date**. The drawings were received by our office on June 19, 2026. **Applicant to resubmit plans which include an accurate revision date.**

We have previously reviewed the following materials:

- One (1) copy of Township of West Orange Planning Board Application, dated September 24, 2025;
- Revised Application Letter prepared by applicant's attorney, Alan G. Trembulak, Esq., dated October 15, 2025
- One (1) copy of 200 Foot Buffer Report for Block 129, Lot 58, prepared by the Township of West Orange Office of the Assessor, dated August 20, 2025;
- 68 Whittlesey Avenue Boundary & Topographic Survey prepared by Richard T. Watson of Borre, McDonald & Watson Land Surveyors, dated July 7, 2025, revised October 23, 2025;
- One (1) copy of Township of West Orange Site Plan/Subdivision Checklist for PB-25-09 for applicant Johny Perez, undated;
- One (1) copy of List of Public Utilities, undated;
- One (1) copy of Verification of Taxes and Sewer Charges Paid, prepared by the Township of West Orange Office of the Tax Collector, dated August 8, 2025; and
- One (1) copy of W-9 Request for Taxpayer Identification Number and Certification, prepared by Johny R. Perez, dated September 24, 2025.

1. Site Description *(reiterated from our previous review dated March 02, 2026):*

The subject property, identified as Lot 58 of Block 129 in the Township, is located at 68 Whittlesey Avenue. The rectangular lot includes approximately 100' of frontage along Whittlesey Avenue. The property measures approximately 10,000 SF or 0.23 acres in area and is currently developed with a single-family home. The building is a 2 ½-story frame dwelling with an attached 1-story section facing the rear yard. The dwelling sits approximately in the center of the lot. The rear yard is enclosed by several fences, some of which belong to the neighboring properties. In the rear yard, a vinyl fence lines the back of the property between the subject property and Lots 18 and 20. There is also a wood fence present in this area, but it does not line the entire border. A wood fence encloses the southern section of the rear yard starting at the edge of the dwelling and continuing to the edge of the property. This leaves an enclosed grassy side-yard area to the south of the dwelling, which includes a small, framed shed in the back area of the lot. In the rear yard area behind the dwelling, there is an outdoor area with pavers directly adjacent to the 1-story section of the dwelling and another framed shed. This area is enclosed on the north side by a rough wood fence and ruinous fence. The front yard includes a concrete walkway which connects the sidewalk to the front door and to a paved driveway area, which is enclosed from the rear yard by a chain link fence with a gate. A chain link fence also encloses the entire property with a gate at the driveway entrance and at the concrete walkway entrance. There are several small trees throughout the property in the grassy side yard and front yard, and several large trees in the rear yard (which are not noted on the site survey.)

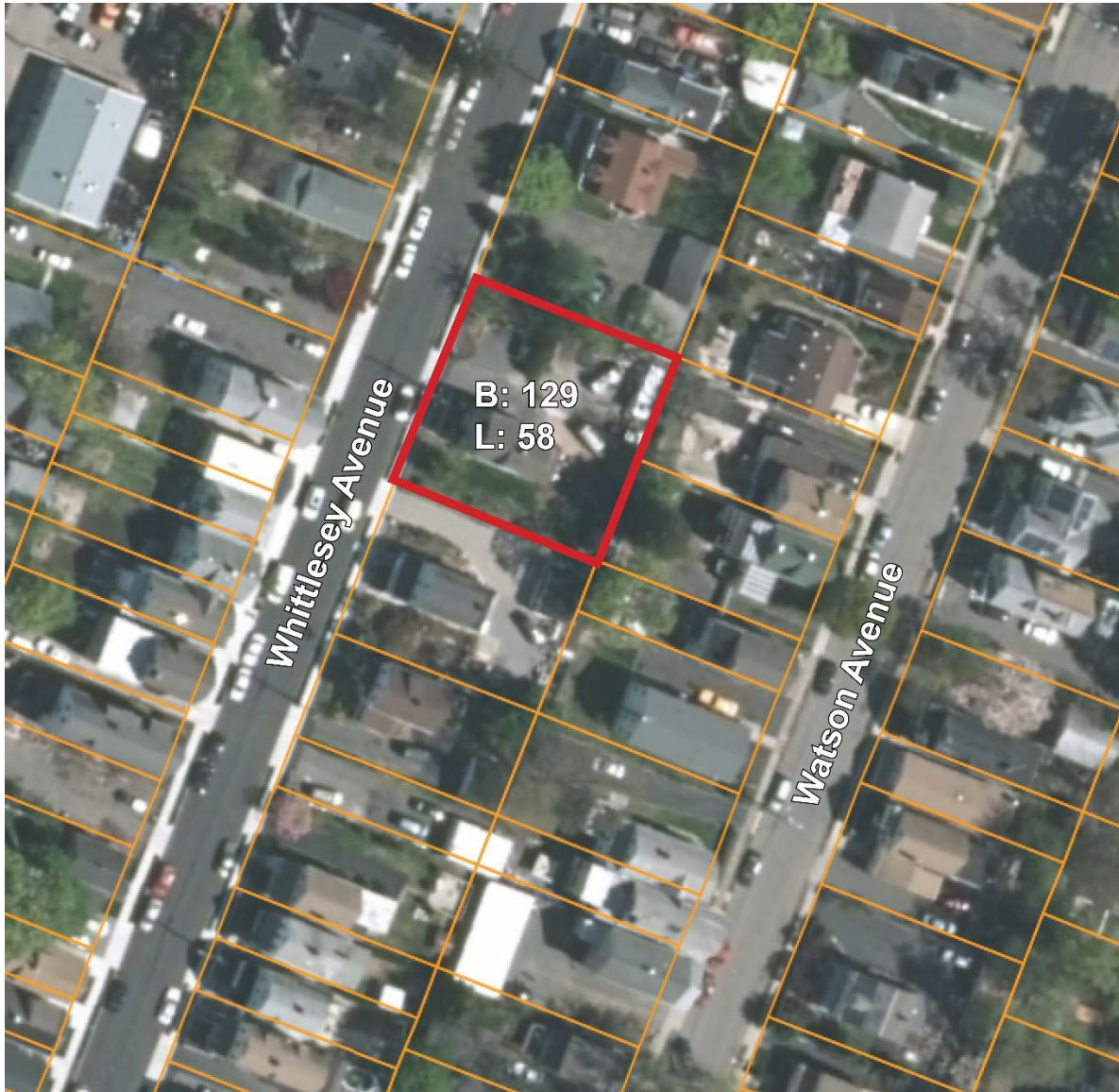
The subject property is in the R-T Two-Family Residential zone. One block to the west is a recreational area called Colgate Field, which includes sports fields and courts, Ginny Duenkel Pool, and a playground. Edison Middle School is directly adjacent to the recreational areas. About four blocks east is a large (~125 acres) cemetery with many trees and maintained lawn known as Rosedale Cemetery. Within a half mile to the north and south of the subject property are two small B-1 Retail Business zones. The rest of the surrounding area is residential in nature.

2. Proposed Project:

The applicant is seeking minor subdivision approval with variances to subdivide the property into two lots, convert the existing one-family dwelling into a two-family dwelling, and construct a new two-family dwelling on the subdivided lot. **Although revised submittal package has been received, no floor plans have been provided.**

An updated subdivision plan, with no revision date, notes a proposed two-family dwelling on proposed Lot 58.01 with three (3) surface parking spaces. **The number of bedrooms for each of the units is not provided.**

Additionally, the subdivision plat notes the existing 2.5-story dwelling shall be updated with an addition to the rear of the existing property. Again, the area of the addition as well as floor plan depicting the conversion of the one-family dwelling into two-family dwelling is not provided. This proposed Lot 58.02 is also shown with four (4) surface parking spaces, two to the front and two to the rear of the building.



Subject Site Aerial
Source: NJ Geo Web

3. Zoning Review:

The subject site is located in the R-T Two-Family Residential zone. The applicant is proposing to subdivide the property into two lots. Proposed lot 58.02 contains the **existing single-family dwelling, which is proposed to be converted into a two-family dwelling**. The intention of the second proposed lot, lot 58.01, is to construct a two-family dwelling in the future. The proposed two-family use on each lot is a permitted use in the R-T district.

4. Site Plan Review:

The following table notes the bulk regulations that are permitted in the zone and the proposed site plans compliance/non-compliance with the same.

R-T Two-Family Residential Zone				
	Requirements	Existing Lot 58	Proposed Lot 58.02	Proposed Lot 58.01
Minimum Lot Area (sq. ft.)	Two Family: 7,500 (3,750 each)	10,000	5,000 (V)	5,000 (V)
Minimum Lot Area Per Unit (sq. ft.)	3,750	10,000	2,500 (V)	2,500 (V)
Minimum Lot Width (ft.)	75	100	50 (V)	50 (V)
Minimum Front Yard (ft.)	30	16.71	16.71 (ENC)	30*
Minimum Side Yard (ft.)	10 + 8	27.69 + 51.67	10 + 1.67 (V)	14 + 8*
Minimum Rear Yard (ft.)	30	40.95	40.95	30*
Maximum Building Height	2 ½ stories and not exceeding 35'	2 ½ stories	2 ½ stories	Applicant to Provide
Maximum Building Coverage (%)	40%	8.3%	Applicant to provide	Applicant to Provide
Maximum Impervious Coverage (%)	55%	Unknown	Applicant to Provide	Applicant to Provide
Setbacks of Accessory Uses (§ 25-8.1a)	No accessory uses shall be located within any minimum required front yard or side yard.	<u>Shed:</u> 7.11' from south side yard edge	<u>Shed:</u> 7.11' from south side yard edge (ENC) (V)	None proposed, Applicant to confirm

V = Variance Required ENC = Existing Nonconforming Condition

*** = Measurement is approximated by our office. Applicant to confirm.**

5. Planning Comments:

- a. Lot Requirements: The Applicant has noted that a new building is not being constructed on Proposed Lot 58.02; however, the existing single-family dwelling will be converted into a two-family dwelling, and the proposed subdivision plan exhibits a new addition to the existing dwelling. On proposed Lot 58.01, the Applicant intends to construct a two-family dwelling. It should be noted that these are proposed to be substandard lots for two-family dwellings, based on the proposed lot size, and several additional variances are required for setbacks and coverage requirements. The updated subdivision plan, with no revision date, shows the proposed structure, surface parking and insufficient driveway width. The bulk standards table provided does not match the proposed conditions. ***Applicant shall update the bulk standards table with calculations and setbacks that accurately reflect the proposed conditions in order to determine compliance with the ordinance requirements.***
- b. Floor Plans: The Applicant intends to convert the existing-to-remain single-family dwelling on proposed Lot 58.02 into a two-family dwelling. ***Floor plans should be provided to determine existence of separate entrances for the two units, unit sizes, and number of bedrooms for each unit.*** Additionally, Board would like to review how the single-family dwelling is being converted into two-family dwelling with the proposed addition. The number of bedrooms and unit size for each of the unit is not provided.

StreetView of the unit from Whittlesey Ave
Source: Google Maps December 2024
- c. Building Design: Per §25-9.7a, no building permit shall be issued for any dwelling or residence to be erected in the R-5, R-6 or R-T District if the proposed dwelling is substantially alike in exterior design and appearance with any neighboring dwellings situated on the same or opposite sides of the street within 149 feet of a dwelling then in existence or for which a building permit has been issued or is pending. The distance herein specified shall be construed to mean the distance between the street property lines of the respective properties. No architectural plans have been provided to determine compliance. ***We recommend the Applicant provide architectural floor plans and elevation drawings to determine compliance with the ordinance.***

- d. Building Height: No elevation drawings were provided, and the height of the proposed two-family dwelling is not provided. ***Applicant should provide the height of the proposed dwelling and elevation drawings to determine compliance with height and story requirements.***
- e. Minimum Residential Area: Per § 25-9.8a7, two-family dwellings are required to provide a minimum of 1,100 square feet of floor area per unit. ***Applicant to confirm the space provided per unit of the proposed dwellings or provide architectural plans which show the area provided.***
- f. Impervious Coverage: The updated subdivision plan, with no revision date, depicts driveways and parking areas for each of the proposed lots. The impervious coverage calculations provided in the Bulk Standards Table appear to underestimate the conditions proposed in the drawing. For example, the proposed conditions for Lot 58.02 include additional impervious surfaces compared to the previously submitted plan (dated 12-17-2025), but the percentage of lot coverage did not increase from 28% in the undated revised plan. Based on approximate measurements done by our office, the lot coverage for Lot 58.02 appears to be over 50%. ***Applicant shall provide a breakout of the impervious surfaces, including building coverage.***
- g. Sheds: As indicated in the subdivision plan, one detached shed, located to the rear of existing lot, is to remain in proposed Lot 58.02. It currently sits within the side yard setback at 7.11' from the property line, which does not comply with the provisions of § 25-8.1a, stating that accessory uses shall not be located within the minimum required side yard. ***The Applicant should confirm if the structure is included in the impervious coverage calculation.*** Further, the shed is not shown on the proposed plan despite it being labeled as, "to remain." ***Applicant to include all existing to remain structures on the proposed minor subdivision plan, and Applicant to confirm if any sheds or accessory structures are proposed for Lot 58.01.***
- h. Fences: The Applicant must comply with the requirements for fences in § 25-8.4, including that solid fencing in the rear and side yards should be less than 6 feet in height, and fencing that is less than 50% solid in the front yard should be less than 4 feet in height. ***The Applicant shall confirm the height of the fences in order to determine compliance.***
- i. Tree Requirements: The proposed subdivision indicates the removal of several trees, but no tree replacement plan or approval from the Township Forester has been provided as part of the application materials, as required per § 28-4. ***The Applicant must submit a Tree Removal and Replacement Application, a tree replacement plan, and a Tree Removal Neighbor Notification Form.***
- j. Parking Requirements: To determine parking compliance, ***the Applicant shall provide the number of bedrooms per proposed unit.*** If the number of bedrooms is not specified, the requirement of 2.5

spaces per unit shall apply, as per § 25-12.2a1, meaning that the proposed development will require five (5) off-street parking spaces for Lot 58.01 and five (5) off-street parking spaces for Lot 58.02.

Currently, the Applicant is not meeting the 2.5-space-per-unit parking requirement and would require a variance (V).

- k. Driveway Width: As per §25-12.1h6, no driveway shall be less than 14 feet wide. ***The proposal includes insufficient minimum driveway widths of approximately 8 ft for both lots, which will require a variance (V).*** Further, given that there are multiple parking spaces, 8 ft is not sufficient width for cars making a k-turn. Based on RSIS standards, the width of a driveway providing direct access to a 90 degree parking stall should be 24 ft.
- l. Subdivision Filing: Applicant should clarify if the subdivision is to be filed by plat or deed. If by deed, the legal and metes and bound description shall be approved by the Board Attorney and Board Engineer prior to filing.

6. Statutory Criteria:

1. The applicant requires relief for **ten (10) c-variances** for this application. The applicant shall provide testimony that demonstrates how the request for relief may be granted based on one of the standards provided in the MLUL at N.J.S.A. 40:55D-70c. It is the applicant's responsibility to bear the burden of proof.

In order to satisfy the positive and negative criteria for each c variance enumerated above, the applicant should provide testimony that satisfies either the c(1) hardship criterion or c(2) flexible criterion as set forth in the MLUL.

- a. Positive criteria: There are two types of c variances - the **c(1) hardship** and the **c(2) flexible variance**.

The *c(1) hardship* criteria states that a "hardship" will occur if the variance is not granted. The hardship relates to the physical or topographical features of the property and cannot relate to financial or personal hardship. Hardship relating to property can include:

- i. Narrowness, shallowness, or irregular shape
- ii. An exceptional topographic condition
- iii. Other unique conditions or features affecting the property

The *c(2) flexible variance* states that by granting the variance, the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and that the benefits of granting the variance substantially outweigh the detriments.

- b. Negative criteria: The applicant must satisfy the two-prong test of the negative criteria;
 - i. The variance can be granted without substantial detriment to the public good; and
 - ii. The variance can be granted without causing substantial detriment to the zone plan.

The applicant's testimony regarding the negative criteria should address any potential impacts that the proposed variances may have on the neighborhood, as well as how the proposed development is consistent with, or in potential conflict with, both the zoning ordinance and the Township's Master Plan.