

June 18, 2026

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

Re: Juan & Zenobia Perez – CME/Artheon Planning Review #2
66 Whittlesey Avenue
Block 129, Lot 60
Zone: R-T Residential
Our File No. 115.WRZ0129.V01

Dear Chairman and Board Members:

1. Summary

The property is located at the center of Whittlesey Avenue, in proximity to Colgate field and Edison Middle School. The applicant is proposing to develop the rear portion of the property with a 2.5 story addition which will include two 2-bedroom apartments, along with the existing home on the site. Variances are required to permit three dwelling units on the site and additional building height, as well as the existing conditions such as insufficient front yard setbacks and excess lot coverage.



NJ Certificate of Authorization No. 24GA28412500

2. Project and Property Description

The property is located on Whittlesey Avenue bounded by existing residential dwellings. The property has 75 feet of street frontage, and a depth of 100 feet (7,500 square feet in area) and currently contains an existing 2.5-story single family dwelling and a detached one-car garage and storage shed in the rear. Much of the rear and east side of the lot is paved, while the west side contains a mixture of shrubs, grass, and a paved walkway beside the home.

The site is surrounded by residential dwellings, primarily single and two family dwellings.

The applicant is proposing to construct a 3-story addition to the structure on the west side of the existing house. The addition will contain two new 2-bedroom apartments, and is proposed to match the existing building height of approximately 42 feet, and the existing front yard setback as well, at 9.29 feet. No changes are proposed to the driveway, parking, or circulation on the site, except for the removal of the walkway on the west side of the home.

As the proposed site improvements constitute a major site plan by Township code, a review by the Township's Site Plan Review Advisory Board (SPRAB) is required.

The project was reviewed by the SPRAB on March 10, 2026. This is our second review of this application. All new text comments can be found in bold italic font.

The applicant has submitted revised materials based on comments provided by the SPRAB. The revised plans include the following changes from the initial submission:

- The steps to the front porch have been reconfigured to no longer encroach into the ROW.***
- The fence in the front yard will be removed and replaced with a new fence that will include a gate to access the new dwelling.***
- Supplemental information has been provided in the form of a landscaping plan, and a vehicle turning diagram.***
- The proposed landscaping includes 9 green giant arbor vitae trees along the southern property line.***
- Revisions have been made to the zoning chart to clarifying previous inaccuracies.***

3. Zoning Compliance

The property is located within the 'R-T Residential district' of the Township.

Permitted Principal Uses

Single-and two family dwellings are permitted in the district. A 3-family, or multi-family dwelling is not permitted in the R-T district.

A d-1 use variance is required.

Bulk Requirements

All development in the R-T district is subject to the following bulk regulations:

R-T Zone Bulk Requirements				
	Required / Permitted	Existing	Proposed	Variance
Min Lot Area	7,500 sf	7,500 s.f.	7,500 s.f.	No
Min Lot Width	75 feet	75 feet	75 feet	No
Min Front Yard	30 feet	9.35 feet	9.29 feet	Yes
Min Rear Yard	30 feet	46.88 feet	38.89 feet	No
Min Side Yard	10 + 8 feet	25.97 feet 28.19 feet	25.97 feet 8.47 feet	No
Maximum Building Coverage	40%	20.8%	33.12%	No
Maximum Lot Coverage	55%	62.8%	74.34%	Yes
Maximum Building Height	2.5 story / 35 feet	2.5 story +/- 42 feet	3 story +/- 42 feet	Yes
Accessory Structure				
Min Distance from Principal Structure	15 feet	21.19 feet	21.19 feet	No
Max Building Height	15 feet	+/- 12 feet	No change	No
Max Number of Stories	1.5	1	1	No
Max Coverage in the Rear Yard	33.33%	18.17%	18.57%	No
ENC = Existing Non-Conformity				

Parking & Loading

Three family dwellings are required to adhere to the provisions for townhouse developments. Off-street parking is required for Townhomes at 2.3 spaces per 2-bedroom unit, located either on street or in common parking areas.

- 2.3 spaces x 3 (2- bedroom apartments) = 6.9 spaces
- 7 total parking spaces are required by code
- Four parking spaces are provided. 3 regular parking spaces in the rear of the site and 1 garage parking space.

4. Variances & Waivers Required

It appears that the following conditions will require variance or design waiver relief from the Board to permit the project as proposed:

Variances:

- a. **§25-7.1 Attachment 2** – Three-family or multi-family dwellings are not permitted in the R-T district. A d-1 use variance is required.
- b. **§25-7.1 Maximum Building Height** – The maximum building height is 2.5 stories / 35 feet where, and 3 stories +/- 42 feet is proposed. As this height increase is greater than 10% of the maximum permitted, this requires a d-6 height variance.
- c. **§25-7.1 Front Yard** – The minimum required front yard setback is 30 feet, where 9.35 currently exists, and 9.29 feet is proposed.
- d. **§25-7.1 Maximum Lot Coverage** – The maximum lot coverage permitted is 55% of the total lot area, where 62.8% has existed, and 74.34% proposed.
- e. **§25-12.2(a) Parking Spaces** – The minimum number of parking spaces required is 7 parking spaces, where 4 are proposed.

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.

6. Planning Comments

- a. The applicant should discuss the proposed project, addressing the general scale and scope of improvements proposed for the site.
- b. The application as proposed will require a D-1 use variance for non-compliance with the permitted principal use requirements for uses in the R-T Residential District. 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.

The site suitability test requires that the applicant demonstrate that there is something specific about the site characteristics that make it particularly suitable for, or lend itself to use a multi-family property rather than a single family or two family use on the property as is otherwise expressly permitted.

- ii. Negative Criteria: The applicant must show that the proposed use will not have a substantial detrimental impact on the public good, and will not substantially impair the intent and purpose of the zone plan.

This means that allowing the three-family structure on the site would not substantially negatively impact the character of the community or quality of life for neighborhood residents, and that allowing a three-family dwelling is not directly contradictory to the intent of the Township's zoning ordinance. The applicant must reconcile the fact that a three-family dwelling is not a permitted use in the district with the purposes behind the regulations permitting only one and two family dwellings.

- c. The application as proposed will also require a d-6 height variance for non-compliance with the permitted height requirements for uses in the R-T Residential District. For any 'd' variance, the applicant has an enhanced burden of proof to show that both the positive and negative criteria can be satisfied. For the d-6 variance, the focus of these proofs though should be on the increase in permitted height.
 - i. Positive Criteria: The applicant must show that there are special reasons to grant the height variance. Special reasons can come from demonstrating undue hardship by:
 - 1. Showing that the height restriction prohibits the use of the property for a conforming structure, or in the alternative that the dimension of the building does not offend the purpose of the height restriction, which primarily focuses on light, air, and density.
 - 2. A particular style of house could promote a harmonious, consistent visual environment while not offending the purpose of the height restriction.
 - ii. Negative Criteria: The applicant must show that the proposed building height will not have a substantial detrimental impact on the public good and will not substantially impair the intent and purpose of the zone plan.
- d. 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.
- e. In the case of any d-1 use variance, the bulk standards that have been adopted for the particular district, in this case those of the R-T district, were not intended for uses other than those that are considered permitted uses. The standards of the R-T district are not intended to apply to multi-family dwellings. In these cases, bulk variances related to specific requirements of the R-T district can be considered subsumed within the Board's consideration of the use variance. The Zoning Board can at its reasonable discretion determine appropriate bulk standards such as building setbacks and buffering requirements.
- f. The applicant should provide testimony addressing the deficiency of parking spaces. It should be noted that per § 25-12.2(a)(4), subject to the Zoning Board's Discretion, where on-street parking is available, a portion of the off-street parking requirement shall be reduced by the number of available on-street parking spaces, with each on-street space calculated at a standard length of 23 feet.
- g. The applicant should address access to the parking spaces in the rear. It is not clear that there is sufficient maneuvering space for larger vehicles to navigate into some of the parking spaces, in particular the space at the eastern edge of the property. ***A turning movement diagram has been provided, which appears to indicate that a vehicle parking in one of the end spaces would have to back in and out in several movements before leaving the driveway.***
- h. It appears that the proposed steps to the new structure will encroach into the ROW. Any encroachment into the ROW would require approval by the Township Council, and the Zoning Board cannot grant permission for such an encroachment. We recommend that the steps be angled so that they are perpendicular to the house and they can be located entirely on the property. ***The plans have been revised and the steps reconfigured to remain on private property.***
- i. The applicant should provide clarification regarding the height and number of stories of the principal and accessory structures. The application materials indicate the proposed structure as 2.5 stories, but it appears that the majority of the 3rd level underneath the gambrel roof would be tall enough to be considered a third story rather than a half story.
- j. The applicant should address the design standards for buildings in the residential districts found in §25-9.7 of the Township code. The general intent of these design standards is to avoid excessive repetition and duplication in residential design.
- k. No landscaping plans have been provided. We recommend that additional landscaping in the form of shrubs and/or ornamental trees be provided in the side yard between the addition and the adjacent residence. ***Landscaping plans have been provided. Evergreen trees are proposed in the side yard. We have no objection to the proposed landscaping.***
- l. The applicant should address the methods for garbage and trash pickup and the locations and type of receptacles.

- m. *The plans provided now note a “brick pier with lights” next to the gate on the new fence. The applicant should clarify what type of lights are associated with the brick pier. Will this match the existing brick piers in the front of the property that have small lamp fixtures atop the pier?*
- n. We defer any comment on grading, drainage, utilities, and stormwater management to the Board Engineer.
- o. The applicant should address the status of any necessary outside agency approvals.

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

Sincerely,



ARTHEON

Christopher N. Dochney, PP, AICP
Board Planner

Cc: Geniece Gary-Adams – Township Zoning Official
Zayibeth Carballo, PE, PLS, PP – Township Engineer
Kelly Carey, Esq. – Board Attorney
John Hess, PE, PP, CME – Board Engineer
Ryan MacNeill, PE – Board Engineer
Juan & Zenobia Perez- Applicant
Michael J. Piromalli, Esq. – Applicant’s Attorney
William P. Stimmel, P.E., P.P., PTOE – Applicant’s Planner
Joseph N. Bachi, PE, C.M.E. – Applicant’s Engineer
Joseph Molinari, Associate AIA – Applicant’s Architect

7. Materials Submitted

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

- Zoning Board application forms and description of project for subject property, dated August 25, 2025;
- Two (1) sheet set grading plan and landscaping prepared by Joesph N. Bachi, PE., CME of EKA Associates, P.A., dated November 04, 2024 and last revised May 1, 2026;
- One (3) sheet set of architectural plans and elevations prepared by Wertz and Molinari Architecture, dated September 15, 2025;
- One (6) page Planning Report prepared by William P. Stimmel of Stimmel Engineering, dated December 30, 2025; and
- One (1) page Cover Letter prepared by Michael J. Piromalli, Esq. of Gaccione Pomaco, dated January 5, 2026.
- One (1) page truck turning exhibit, prepared by EKA Associates, dated April 3, 2026;
- One (1) page professional response letter, prepared by EKA Associated, dated April 17, 2026