

TO: Township of West Orange Planning Board

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

RE: PB Application 26-02
Planning Review # 1
27 Fairway Drive
Block 86.01, Lot 6
Major Subdivision with "C" Variances

DATE: July 17, 2026

1. Materials Reviewed

As requested, we have reviewed the following materials:

- Seven (7) pages of Township of West Orange Application for Preliminary and Final Major Subdivision with C2 variances prepared by Matthew P. Posada, Esq., dated June 17, 2026;
- Four (4) sheets of Preliminary & Final Major Subdivision Plan for 27 Fairway Drive prepared by Casey & Keller Incorporated, revised June 10, 2026;
- Four (4) pages of Engineering Review #1 for Application No. PB 26-02 prepared by Ryan MacNeill, PE of CME, dated February 25, 2026;
- Three (3) pages of Engineering Review #2 for Application No. PB 26-02 prepared by Ryan MacNeill, PE of Artheon, dated July 6, 2026;
- One (1) page of Township of West Orange Tree Removal Permit Application for 27 Fairway Drive prepared by Catalyst Development, LLC., dated June 11, 2026;
- One (1) page of Storm Sewer Location Map prepared by Casey & Keller Incorporated, dated June 11, 2026;
- Two (2) pages of Response Letter for Application PB 26-02 prepared by Casey & Keller Incorporated, dated June 11, 2026;
- Two (2) pages of Proposal and Reasons for Relief prepared by Catalyst Development, LLC., dated June 17, 2026;
- Two (2) pages of Submission Cover Letter for Catalyst Development Group LLC, dated June 17, 2026.

- Preliminary and Final Major Subdivision for 27 Fairway Drive prepared by Casey & Keller Incorporated, dated September 17, 2025 and revised May 4, 2026;
- Submission Cover Letter for Catalyst Development Group LLC, Preliminary and Final Major Subdivision Application (Residential), prepared by Matthew P. Posada, dated May 11, 2026;
- Subdivision Checklist, undated;
- Engineer Response Letter prepared by Casey & Keller Inc., dated May 5, 2026;
- Environmental Impact Statement for Proposed Major Subdivision at 27 Fairway Drive.
- Five (5) pages of Revised Township of West Orange Application for Minor Subdivision with C Variances, dated February 12, 2026.
- One (1) sheet of Subdivision Plat for 27 Fairway Drive, prepared by Casey & Keller Incorporated, dated September 17, 2025.
- One (1) sheet of Title and Topographic Survey for 27 Fairway Drive, prepared by Casey & Keller Incorporated, dated September 17, 2025.
- One (1) page of W-9 form prepared by Catalyst Development Group, LLC., dated January 20, 2026.
- Six (6) pages of Township of West Orange Site Plan/Subdivision Checklist, undated.
- Four (4) pages of 200' buffer report for 27 Fairway Drive, prepared by the Township of West Orange Office of the Assessor, dated December 3, 2025.
- One (1) page of Verification of Taxes and Sewer Charges Paid until January 31, 2025 for Michael and Nikan Sandles, dated December 10, 2025.
- Two (2) pages of Proposal and Reasons for Relief for Catalyst Development Group, LLC. at 27 Fairway Drive, undated.
- One (1) page of Affidavit of Ownership & Applicant Authorization, signed by Nikan and Michael Sandels, dated February 12, 2026.
- Three (3) pages of transmittal letter for Minor Subdivision Application at 27 Fairway Drive, prepared by Matthew P. Posada, Esq., dated January 29, 2026.

2. Site Description

The subject property, identified as Lot 6 of Block 86.01 in the Township, is located at 27 Fairway Drive. The interior lot is 23,982 square feet (0.551 acres), has approximately 213.6 feet of frontage on Fairway Drive, and is located in the R-5 Residential Zone. The site is currently developed with a two-story single-family dwelling and in-ground pool. Other site improvements include a paver driveway and parking area, patios, walkways, and boulder walls. Chain-link and stockade fencing encloses the property along the side and rear yards as well as portions of the front yard. The eastern side yard is heavily vegetated and includes minimal site improvements. The subject site is surrounded by residential uses.



Subject Site Aerial
Source: NJ GeoWeb, July 8, 2026

3. Proposed Project Review

Applicant is requesting major subdivision approval along with five (5) bulk "c" variances to subdivide the subject property, Lot 6 in Block 86.01, into three lots, Lots 6.01, 6.02, and 6.03. ***Applicant to provide confirmation of the proposed lot numbers from the Tax Assessor's office.*** The proposed subdivision will

subdivide the lot to preserve the existing single-family home in the center on proposed Lot 6.02, and it will create two lots surrounding it for the future development of two (2) 2.5-story single-family dwellings.

4. Zoning Review

- a. Proposed Use: The proposal is within the R-5 Residential Zone wherein single-family, detached dwellings on 10,000 SF lots are a permitted principal use.
- b. Area and Bulk Requirements: The following table notes the requirements per Residential Zone R-5 and the existing lot and proposed subdivided lots compliance/non-compliance with the requirements.

Bulk Standards for One-Family Residential Dwellings in the R-5 Residential Zone					
	Ordinance Requirements	Existing Lot 6	Proposed Lot 6.01	Proposed Lot 6.02	Proposed Lot 6.03
Min. Lot Area (SF)	10,000	23,982	7,199 (V)	8,505 (V)	8,278 (V)
Min Lot Width (ft)	75	213.6	62.60 (V)	76	75
Min. Front Setback (ft)	30	29.89	30	29.89 (ENC)	30
Min. Side Setback (ft)	10 + 8	70.6 + 83.25	8 + 10	8.34 + 8 (V)	To be provided + 11
Min. Rear Setback (ft)	30	26.25	34.67	34.62	34.8
Max. Building Height	2.5 stories and 35 ft	2 Stories	2.5 stories and To be provided	2.5 stories and To be provided	2.5 stories and To be provided
Max. Building Cover	35%	9.6%	27.6%	25.2%	26.8%
Max. Impervious Cover	45%	34%	42.3%	44.3% Applicant to confirm (see Planning Review comment)	40.2%

Accessory Structure Setback	Not within front or side yard	Shed: 0.42 ft	N/A	Shed: 0.42 ft (ENC)	N/A
	>15 ft from principal building	Shed: approx. 27 ft from principal building	N/A	Shed: approx. 27 ft from principal building	N/A
Accessory Structure Height	<15 ft	Unknown	N/A	Applicant to confirm	N/A

V = Variance Required

ENC = Existing Non-Conforming Condition

5. Planning Review

- a. Building Height: Building height is not provided for the existing or proposed structures. **Applicant to provide height of existing and proposed structures, including the principal and accessory structures, in order to assess compliance with bulk requirements.**
- b. Side Yard Setback: The minimum side yard setback for lot 6.03 is obscured on the Plot Plan. **Applicant to confirm minimum side yard setback.**
- c. Parking: As per § 25-12.2a1, a parking requirement of 2.5 spaces is applied since the number of bedrooms is not specified. The dimensions of the proposed two-car garage are not provided; therefore, the number of spaces provided cannot be confirmed. **Applicant to provide number of bedrooms for each dwelling and the dimensions of the garage.**
- d. Subdivision Filing: **Applicant to confirm if the subdivision is to be filed by deed.**
- e. Walls and Fences:
 - i. The height of the existing-to-remain fence on the side and rear property lines is not provided. Solid fences are permitted in the side and rear yards as long as they are less than 6 feet in height. **Applicant to provide height of existing fencing to confirm compliance with the requirements in § 25-8.4.**
 - ii. **Applicant to confirm if any fencing is proposed in the front yard, and if so, shall provide the height, material, and transparency.**
 - iii. Modular block walls are proposed in the side yards at a maximum height of 4 ft. This complies with the maximum height requirement.

- f. Shed: The existing shed on proposed Lot 6.02 is situated 0.42 feet from the rear property line. This is noted as an existing nonconforming condition associated with the requirements for yard encroachments in §25-8.2, which states that the space in the rear yard shall be unobstructed.
- g. Utility Screening (§25-8.15): Utility boxes and structures must be screened on three sides by landscaping that will conceal the box throughout all seasons of the year. **Applicant shall provide testimony regarding the screening of utility equipment.** Further, HVAC/mechanical units are shown for proposed Lots 6.01 and 6.03. **Applicant to confirm the location of mechanical units for Lot 6.02 to ensure appropriate screening is provided.**
- h. Design of Buildings in Residential Districts (§ 25-9.7): No building permit shall be issued for any dwelling which is substantially alike in exterior design and appearance with any neighboring dwellings with 149 feet of the street property lines of the respective property. **Prior to the future construction of the single-family dwellings on Lot 6.01 and 6.03, Applicant must provide details which confirm compliance with the dwelling characteristics detailed in the ordinance.**
- i. Minimum Residential Floor Area (§25-9.8): One-family dwellings, which are more than two stories in height, must have a minimum residential floor area of 1,600 square feet. **Prior to the future construction of the single-family dwellings on Lot 6.01 and 6.03, Applicant must confirm the residential floor area meets this requirement.**
- j. Tree Replacement: The tree removal and replacement permit indicates that 37 trees are proposed to be removed. The EIS indicated that a tree replacement plan will be prepared. **Once approval from the Township Forester is granted, Applicant shall provide a copy of the approval along with a tree replacement plan.**
- k. Impervious Coverage: Proposed Lot 6.02 includes several improvements (shed, hot tub, etc.) which do not appear to be included in the impervious coverage calculation. **Applicant to confirm the impervious coverage calculation for Lot 6.02 includes all the existing and proposed site improvements. Additional relief may be required.**
- l. Steep Slopes (§ 25-28): This site includes steep slopes in excess of 10% over a minimum distance of 10 feet within proposed Lots 6.01 and 6.03.
 - i. **Applicant must submit all the required information outlined in the ordinance § 25-28.7a and § 25-28.7b. The following includes some of the items required. Applicant must include all items which are relevant to this proposal.**
 - 1. A colored topographic map prepared by a licensed engineer and surveyor showing the existing contours at two-foot intervals with areas clearly noted in different colors showing the following slope areas: 0 to 9.99%, 10% to 14.99%,

15% to 19.99%, 20% to 24.99%, and 25% or more. The map shall include all existing trees and include marks for trees to be removed.

2. A separate map shall be prepared showing proposed improvements overlain on the preceding color topographic map.
3. A table showing the calculations of the amount of area in the various slope categories above along with the proposed area of disturbance within each category.
4. Identification of soil types on the property, including the erosion potential of soils, information on the water table,
5. Stormwater management plan and soil erosion and sediment control plan.
6. Other engineering data deemed reasonably necessary by the Township Engineer and Planner to determine compliance.

- ii. ***Further, there appears to be areas which have slopes in excess of 25% on both Lots 6.01 and 6.03. Per the ordinance, disturbance of slopes of 25% or more is prohibited. Additional relief may be necessary.***

6. Statutory Criteria

The applicant requires relief for five (5) "c" variances for this application.

1. 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.
2. 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.

- 3. The Applicant has provided a proposal with variance justifications in the application materials.