



TOWNSHIP OF WEST ORANGE DEPARTMENT OF ENGINEERING

25 LAKESIDE AVENUE, WEST ORANGE, N.J. 07052

ZAYIBETH CARBALLO
Director/ Municipal Engineer

Tel/Fax: (973) 325-4160

Email: engineering@westorange.org

MEMORANDUM #1

TO: ZONING BOARD MEMBERS

FROM: ZAYIBETH CARBALLO, P.E., P.L.S., P.P, CME, CFM
DIRECTOR/MUNICIPAL ENGINEER

DATE: JUNE 26, 2026

SUBJECT: APPLICATION SUBMISSION – C VARIANCE
FOR BUILDING ADDITION
ZB-26-02
13 PORTER ROAD
BLOCK 175.24, LOT 3

We are in receipt of the following information pertaining to the above-referenced application:

- A. Township's Board Application and associated documents;
- B. Plan entitled "Property Survey, property situated in Township of West Orange, Essex County, New Jersey, Lot 3, Block 175.24 (Tax Map)", prepared by Christopher J. Lantelme, P.E. & P.L.S of Lantelme, Kurens & Associates, PC, dated April 7, 2026; and
- C. Plans entitled "Proposed Garage Extension, Main Level Bath & Closet Addition, Block 175.24, Lot 3, 13 Porter Road, West Orange, Essex County, NJ 07072", prepared by Frank Cunha III, AIA, NCARB, of FC3 Architecture-Design, LLC., last dated April 6, 2026;

I. INTRODUCTION

The subject site is located along the northerly side of Porter Street and located within the Township's Residential (R-6) Zone District. The Applicant proposes to construct an



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addition to expand the existing garage and bathroom/closet to the existing single-family dwelling.

II. ZONING

This proposal does not meet the requirements noted above, the Applicant must seek relief from the Board pursuant to the Municipal Land Use Law under N.J.S.A. 40-55D-70c.

The existing dwelling has side yard setbacks of 14.1 feet and 6.4 feet, where 10 feet and 8 feet are required, and is considered an existing non-conforming condition, pursuant to the Bulk Zoning requirements for the R-6 Zone, as defined in Chapter 25-7.1 of the Township Code. The proposed addition maintains the existing non-conforming side yard setback. As a result, the Applicant seeks variance relief to permit a side yard setback of 6.4 feet, where 8 feet is required.

“C” or “Hardship” Variance

In judging an application by the C(1) criteria, the core question presented to the Board is whether there has been a showing of (1) peculiar and exceptional practical difficulties to, or (2) exceptional and undue hardship upon, the applicant arising out of (a) the exceptional narrowness, shallowness or shape of the subject property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting the subject property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting the subject property or the structures lawfully existing thereon. In all cases the alleged hardship must relate to a specific piece of property

III. PROPOSAL

The proposal is to construct an approximately 200 square foot (SF) addition to the existing dwelling. The addition extends the existing garage and creates additional floor space on the first floor to accommodate for a new bathroom and walk-in closet connected to an existing bedroom.

The addition results in an increase of 200 SF in building coverage and impervious cover, which is below the threshold for a Minor Development, as defined in Chapter 25-29 of the Township Code.

IV. TREE REMOVAL

- 4.1 The existing conditions survey shall be revised to include the location and caliper of trees within the subject property;
- 4.2 Testimony by the Applicant’s professional needs to be provided confirming that no trees are to be removed due to the addition;
- 4.3 Tree protection plan needs to be provided for adjacent trees that might belong to neighboring properties and might impacted by construction;



- 4.4 A tree protection fence needs to be installed out to the dripline of adjacent trees to protect root system during construction;
- 4.5 A tree replacement plan needs to be provided for any trees to be removed and a Letter by a Certified Tree Expert needs to be submitted stating the reasons for the tree(s) removal;
- 4.6 Testimony should be provided indicating how the existing trees will be protected during construction.

V. PROPOSED ADDITION

- 5.1 Signature blocks for the Board Engineer, Chairman and Secretary need to be added to the plans;
- 5.2 Locations of the existing and proposed roof leaders and point of discharge on the ground, including connections into existing pipes, including associated; pipe sizes, lengths and slopes shall be added to the plans;
- 5.3 Testimony should be provided by Applicant's professional to clarify that the location of the roof leaders on the ground will not adversely affect adjoining property owners;
- 5.4 The plans shall be revised to include steep slope calculations in accordance with Chapter 25-28 of the Township Code;
- 5.5 Testimony should be provided by Applicant's professional to confirm that the proposed addition is within the 0 to 10% slope range that allows 100% disturbance. Refer to section 25-28 of the Township Code;
- 5.6 The plans shall be revised to include a Soil Erosion and Sediment Control Plan, which shall include, but is not limited to; delineation of the limit of disturbance (shown in square feet) and typical notes and construction details in accordance with Hudson-Essex-Passaic Soil Conservation District (HEPSCD);
- 5.7 The plans shall be revised to provide soil movement calculations for the proposed improvements within the limit of disturbance. A soil removal permit will be required if more than 300 CY of soil will need to be moved;
- 5.8 Roof overhangs should be dimensioned to ensure it does not project more than 2 feet as per ordinance 25-8.2(c). Otherwise, a variance shall be required for any feature that projects more than two feet into a required yard;
- 5.9 The proposed addition increases impervious coverage by approximately 200 SF.



This is below the 400 SF threshold for a Minor Development, as defined in Chapter 25-29 of the Township Code. The increase in impervious coverage is considered de-minimis and is not subject to additional stormwater control measures.

- 5.10 Prior to commencing construction activities, soil erosion and sediment control measures must be in place and maintained until the disturbed ground is permanently stabilized;
- 5.11 A note should be added to the plans that all disturbed areas are to be restored, topsoiled and seeded;
- 5.12 A Certification stating that the proposed improvements were constructed according to the design is to be submitted by the Applicant's professional; and
- 5.13 An "As-Built Topographic Plan" shall be submitted once construction is completed.

VI. PERMITS

6.1 Should the Board approve this application:

6.1.1 Certification from Hudson-Essex-Passaic Soil Conservation District will be required if more than 5,000 SF

6.1.2 Soil removal permit will be required if more than 300 CY of soil will need to be moved

6.1.3. A Street opening permit is required for any work within the Township's Right of Way (ROW).

6.1.4 A tree removal application and permit will be required from the Township Forester if any trees are to be removed.

ZC/jrm



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