



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

Department of Planning and Development

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TO: Zoning Board Members

FROM: Paul Grygiel, AICP, PP, Planning Director

DATE: February 11, 2021

RE: **ZB-20-14/E&J Masonry Supply**
Block: 2; Lots: 43.01 and 50; Zone: R-T
15 and 19 Meeker Street
Seeking “c” and “d” variances for modifications to property with mix of uses

INTRODUCTION

The applicant is requesting approvals to reconfigure, renovate and expand existing improvements on a property developed with a mix of uses (construction company office and storage yard, office and residential). A number of changes are proposed to the existing site conditions. Multiple “d” variances are required for the existing and expanded nonresidential uses of the property. A “d(1)” use variance is also required to allow multiple principal uses on the property. A number of “c” variances are also required.

LAND USE

The subject property is approximately 31,500 square feet (0.72 acres) in area and located at 15 and 19 Meeker Street. The subject property is developed with multiple buildings occupied by a mix of uses, including a masonry contracting business. A 2 ½-story residential and commercial building is located along the Meeker Street frontage and a two-story commercial building is located along the western property line on the northern two-thirds of the property, along with a one story commercial building along the eastern property line. The remainder of the site is



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essentially entirely paved and used for parking and outdoor storage of materials and vehicles. There are two driveways on the property: one to the west of the mixed-use building and a second to the east of that building that provides access to the rear of the site. The subject property is partially located in a State-designated Flood Hazard Area. Site photographs taken on December 1, 2020 are included at the end of this memorandum.

The property is located on the north side of Meeker Street along the East Branch of the Rahway River, which is also the eastern boundary of the Township in this location. Residential uses along Meeker Street and Central Place are located adjacent to the property on the west, residential and commercial uses are located to the north, a municipal utility facility is located to the east in the City of Orange, and residential uses are located to the south across Meeker Street, along with a park to the southeast in the City of Orange.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Site Plan (6 sheets)	Daniel G. Reeves, PE	1/29/21
Architectural Plans (2 sheets)	Lawrence Cirangle AIA	1/26/21
Boundary & Topographic Survey	John S. Simmons, PLS	3/22/20
Planning & Zoning Report	Charles Heydt, PP, AICP	1/29/21
Stormwater Management Report	Daniel G. Reeves, PE	1/21

VARIANCES REQUIRED

<i>"d(1)" Variances</i>		
SECTION/REQUIREMENT	PERMITTED /REQUIRED	PROPOSED
25-7.1 Permitted Use	Residential	Office, warehouse/storage, residential
25-8.12 Maximum principal uses on one lot (except in certain zones)	One	Three

<i>"d(2)" Variance</i>	
SECTION/REQUIREMENT	
25-7.1 Expansion of nonconforming use	Expansion of existing warehouse/storage use



"c" Variances			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Minimum side yard (rear building)	10 ft./8 ft.	68.8 ft./0 ft.	69.3 ft./0 ft.
25-7.1 Minimum rear yard (rear building)	30 ft.	0.9 ft.	0.9 ft
25-7.1 Maximum lot coverage	55%	99.4%	96.7%
25-8.1 Minimum accessory structure and off-street parking area setbacks	5 ft.	< 5 ft.	0 ft.
25-12.1 a. Sidewalk between parking area and building	Required, 5 feet wide, 5 inches above parking	Not provided	Not provided
25-12.1 b. Parking lot curbing setback from fence, screening or structure	5 ft.	Not provided	< 5 ft. in multiple locations
25-12.1 f. Tandem parking – vehicles back directly into public right-of-way	Not permitted	Exists	Proposed
25-12.1 l. Parking setback from side property line	10 ft.	Not provided	< 10 ft.
25-12.2 b.1. Minimum number of parking spaces	45	0	18

PROPOSED DEVELOPMENT

The applicant is seeking preliminary and final major site plan approval and variances for modifications to the uses and layout of buildings on the subject property.

The applicant is proposing to maintain the existing mixed-use building for office and residential uses. The two-story building in the northwest portion of the site is proposed to have its floor elevation be raised by two feet and be reconstructed, with a two-story addition constructed along its east side. This building is proposed to be re clad, with most of the existing windows facing residential properties to the west being closed off with stucco finish provided on this entire façade, other than two existing two windows in the office portion of the building which will be replaced. Metal panels will be provided on the façade of the east side of this building, whether three garage doors are proposed. Five outdoor material storage bins are proposed to be located along the east wall of the new two-story building.



The existing one-story building adjacent to the two-story building is proposed to be demolished, as is the one-story building in the northeast corner of the site.

The existing unstriped parking area will be milled and repaved to meet the new garage floor elevation. Sixteen parking spaces will be provided in the rear portion of the property, while two stacked spaces will continue to be provided in the driveway to the west of the mixed-use building.

Landscape strips are proposed along the northern property line to the east of the expanded building and along the western property line to the south of that building. Each will include a row of 15 juniper shrubs with a listed planting height of four to six feet.

DISCUSSION/RECOMMENDATIONS

Variance Proofs

The applicant has requested “d” variances to “formalize the exiting office use” on the first floor of the building fronting on Meeker Street and to permit multiple principal uses on the lot (residential, office and warehouse/storage). In my opinion these two should be classified as “d(1)” use variances. The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d(1) enables a board of adjustment to grant a variance use or principal structure not permitted in the zoning district. The applicant must provide proofs for the variance per the standards determined by the MLUL. The applicant should confirm whether multiple principal uses already exist on the subject property.

The applicant has also requested a “d” variance to “expand the existing storage building” associated with a non-permitted warehouse/storage use, which in my opinion should be classified as a “d(2)” variance to expand a nonconforming use. The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d(2) enables a board of adjustment to permit the expansion of a nonconforming use. The applicant must provide proofs for the variance per the standards determined by the MLUL.

In addition, the MLUL at N.J.S.A 40:55D-70c permits a board of adjustment to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a “d” variance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just the applicant or property owner. A “c” variance applicant also must address the “negative criteria,” and affirmatively demonstrate



that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality. The applicant’s planner should provide testimony as to how the above variance proofs are addressed.

The applicant’s planner must also address the “negative criteria” for all of the above variances, and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality.

Other Issues

The Township of West Orange Site Plan Review Advisory Board (SPRAB) held a virtual meeting on December 8, 2020. At this meeting, the SPRAB reviewed the above application with the applicant and its attorney, engineer, architect and planner. The revised plans have addressed nearly all of the site plan and design issues discussed at this meeting. One outstanding issue from the SPRAB meeting is that it was indicated there will be a “split system” which does not require a lot of space. However, a split system still requires a condenser, which must be shown on the site plan.

There are a number of issues with the property’s current conditions. Some of these are shown on the site photos. Notably, at the time of my December 1, 2020 site visit, it was noted the western wall of the rear building line along the rear property lines of residences on Central Place was in poor condition, as shown in a couple of the photos. This condition must be addressed by the applicant.

The architectural plans include the proposed first floor plan twice, instead of showing the second floor plan as noted by the label. The plans must be updated to include the second floor plan.





East driveway (provides access to rear of property)



View of front building from Meeker Place



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West driveway (proposed to provide two residential parking spaces)



View into rear of property



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Improvements along eastern property line – looking southwest from Beach St. in Orange



Improvements along eastern property line – looking northwest from Beach St. in Orange





Two views of western wall of existing rear building from Central Place



Truck backing into west driveway blocking traffic on Meeker Street



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