

DRESDNER ROBIN

PLANNING & ZONING REPORT

15 & 19 MEEKER STREET ADDITION

15 & 19 MEEKER STREET

BLOCK 2, LOTS 43.01 & 50

TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY

DRESDNER ROBIN PROJECT NO.: 11401-001

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1.0 Introduction

This report has been prepared to analyze the planning and zoning issues related to the proposed mixed-use development located at 15 and 19 Meeker Street in the Township of West Orange, Essex County, New Jersey. This report examines the existing conditions of the project site and surrounding neighborhood, relevant planning documents, applicable zoning requirements from the Township of West Orange Land Use Regulations Ordinance (“LUR Ordinance”) and requested variances. Justifications for the requested variances detail how each request meets the statutory requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-2 et. seq.) and relevant New Jersey case law.

2.0 Property Description

The project site is located in the southeast corner of the Township of West Orange and is identified as Lots 43.01 and 50 on Block 2. The project site has approximately 94 feet of frontage on Meeker Street and is irregularly-shaped, with an approximate lot size of 31,500 square feet (0.72 acre). Lot 43.01 is currently developed with a 1-story commercial building. Lot 50 is currently developed with a 2.5-story mixed-use building, a 2-story warehouse/storage building, and a 1-story garage. The mixed-use building provides an office use (which serves the warehouse/storage use) and a residential use. The residential use provides two 3-bedroom units. The balance of both lots is occupied by a paved area used for parking and nine outdoor material storage bays. There are two existing driveways fronting on Meeker Street.

The project site lies within East Branch of the Rahway River floodplain. A concrete block wall runs along the easterly property line of Lot 43.01, adjacent to the East Branch of the Rahway River.

3.0 Neighborhood Description

Generally, the surrounding area can best be described as a mixed-use neighborhood. There are several commercial and industrial uses to the north and east, including a City of Orange municipal utility facility, a landscaping business, a school bus contractor business, an auto repair shop, and several neighborhood retail businesses. The nearest landscaping business is the Friendly Tree Service on Tremont Avenue in the City of Orange, approximately 75 feet to the northeast of the project site. There are one- and two-family dwellings to the south, west, and north of the project site. The East Branch of the Rahway River is directly to the east of the project site. The surrounding neighborhood to the south and west is comprised of mostly one- and two-family dwellings. To the west of the project site is a cluster of retail businesses located in the B-1 Retail Business District along South Valley Road.

4.0 Proposed Development

The proposed project involves the reconfiguration of the site and the renovation and addition to the 2-story warehouse/storage building located in the rear of Lot 50. In conjunction with a New Jersey Department of Environmental Protection (NJDEP) Flood Hazard Area Individual Permit application, the existing building is proposed to be raised 2 feet to a finished floor elevation of 151.5 feet, 1 foot above flood level. The existing 1-story garage on Lot 50 and the existing 1-story commercial building on Lot 43.01 will be demolished. Additionally, a 2-story, 2,211-square-foot garage addition is proposed on the east side of the 2-story rear building. The proposed garage addition will include three 12-foot wide and 15-foot high

garage doors. The existing 2.5-story mixed-use building in the front of Lot 50 will remain as is. The two existing driveways will remain. The driveway to the west of the mixed-use building will provide two parking spaces for the residential use and the driveway to the east of the mixed-use building will be used to access the 16 proposed parking spaces for the warehouse/storage use. A few of the material storage bays will be relocated inside the 2-story warehouse/storage building. Five of the material storage bays will remain outside and be relocated adjacent to the proposed addition. The remaining outdoor material storage bays will be used to store raw materials. A 286-square-foot landscaping buffer is proposed along the existing westerly driveway and a 562-square-foot landscaping buffer is proposed along the northerly property line of the project site.

5.0 Existing Zoning

The project site is located within the R-T Two-Family Residential District. Uses are regulated by Section 25-7.1 Table of District Regulations – Part A: Permitted Uses of the LUR Ordinance. The R-T District permits one-family detached dwellings, two-family dwellings, hospitals, government buildings, water facilities, golf courses, and limited agricultural uses as principal uses. The general construction and landscaping company's existing office and storage yard uses are not permitted uses in the R-T District.

Area and bulk requirements in the R-T District are regulated by Section 25-7.1 Table of District Regulations – Part B: Bulk Standards of the LUR Ordinance:

- Maximum Height: 2 ½ stories, not exceeding 35 feet
- Minimum Lot Area: 5,000 square feet (1-family) or 3,750 square feet each (2-family)
- Minimum Lot Width: 50 feet (1-family) or 75 feet (2-family)
- Minimum Front Yard: 30 feet
- Minimum Side Yard: 10 feet + 8 feet
- Minimum Rear Yard: 30 feet
- Maximum Building Coverage: 40%
- Maximum Lot Coverage: 55%

6.0 Requested Variances

The proposed project requests variances from several requirements of the LUR Ordinance.

Table 1-Variance Requests¹

Criteria	Required/Permitted	Proposed	Variance
R-T District			
Use (§25-7.1 Part A)	One-family detached dwelling; Two-family dwelling; See note 2.	Warehouse/storage	d(1) variance
Use (§25-7.1 Part A)	One-family detached dwelling; Two-family dwelling; See note 2.	Mixed-use (Office and Residential)	d(1) variance
Side Yard (§25-7.1 Part B)	Min. 8 feet	0 feet	c variance
Rear Yard (§25-7.1 Part B)	Min. 30 feet	0.9 feet	c variance
Lot Coverage (§25-7.1 Part B)	Max. 55%	96.7%	c variance

Criteria	Required/Permitted	Proposed	Variance
Supplementary Zoning Provisions			
Principal Uses (§25-8.12)	One Principal Use permitted	Warehouse/storage, Mixed-use (Office and Residential)	d(1) variance
Parking (§25-12.2)	Min. 45 spaces (see <i>Table 2</i>)	18 spaces	c variance
Parking (§25-12.1.f.)	Tandem parking not permitted	Tandem parking proposed	c variance

1) There are pre-existing conditions onsite, such as the Front Yard Setback, which are not consistent with the required bulk regulations of the R-T District. These conditions may require variances dependent on Township review.

2) Permitted principal uses include: one-family detached dwelling; two-family dwelling; water reservoir; well tower; filter bed; Federal, state, county or township building; golf course and golf club house; farm, nursery, greenhouse and similar uses; hospital.

7.0 Zoning Justifications

The following section details the statutory requirements for requested relief to be granted as contained within the Municipal Land Use Law (N.J.S.A. 40:55D-2 et. seq.) and relative case law and provides specific justifications for each requested variance to meet the statutory requirements of the MLUL.

7.1 Positive Criteria

The “special reasons” requirement of the MLUL statute is also referred to as the “positive criteria”. Generally, there are sufficient “special reasons” for the granting of a d variance under two broad circumstances: (1) when the refusal to allow the project would impose on the applicant an undue hardship and/or (2) when a proposed project carries out a purpose of zoning as defined in N.J.S.A. 40:55D-2.

7.1.1 “d(1)” Use Variance

The Zoning Board of Adjustment has the jurisdiction to grant “d(1)” use variances pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-70.d.(1) “in particular cases and for special reasons.” Under relevant case law (*Medici v. BPR Co.* 107 NJ 1 (1987)), the standard for granting variances with respect to the positive criteria is that the proposed use will promote the general welfare, the property is *particularly suited* to accommodate the proposed use, the proposed use is consistent with the development in the surrounding neighborhood, and the proposed use can be reconciled with the LUR Ordinance. The justification must also address the negative criteria.

Use of Site

The current use of the project site is an existing mixed-use facility. There is an existing mixed-use building along Meeker Street containing an office and two residential dwelling units. In addition, there is an existing general contracting and landscaping business generally in the rear of the site. The existing uses and buildings have been in use for approximately 20 years. Mixed-use facilities are not a permitted use in the R-T Two-Family Residential District. Warehouse, storage, and mixed uses are permitted in the I Industrial District. The existing residential use is consistent with surrounding developments in the neighborhood. To the east of the project site, beyond the East

Branch of the Rahway River, are similar commercial and utility uses in the City of Orange Township.

The intent of the proposed project is to improve the site conditions to minimize impacts on surrounding properties, minimize the flood risk, and to progress the overall state of the site.

Oversized Lot

The site is particularly suited to accommodate the existing uses given that the oversized lot (31,500 square feet) is 320% larger than the required minimum in the R-T District. The oversized nature of the project site can accommodate for multiple uses. The project proposes to renovate the existing 2-story rear building and construct a 2,211-square-foot addition. The oversized lot can accommodate the proposed 2,211-square-foot addition as the proposed building coverage of 36.6% is compliant with the R-T District maximum of 40%. The proposed addition will allow for existing outdoor storage of equipment and vehicles to be relocated to an interior storage space. For comparison, multiple principal uses on one lot are permitted in the I District which provides larger lots with a minimum of 10,000 square feet.

Additionally, the view of the existing warehouse/storage building by surrounding properties is shielded by existing significant landscaping to the north. The 2.5-story building along the Meeker Street frontage further shields the view of the warehouse/storage building from the public right-of-way.

Improving Flood Hazard Resiliency

The project site is located within the floodplain of the East Branch of the Rahway River. An additional purpose of the proposed project is to improve the general welfare of the public in relation to flooding concerns. The proposed expansion will enable the existing 2-story warehouse/storage building to be elevated two feet. The proposed elevation will set the building 1 foot above flood level. Additionally, the 640-square-foot building and the 1,685-square-foot building in close proximity to the river will be demolished. An NJDEP Flood Hazard Area permit application has been submitted for the project site.

Number of Principal Uses on One Lot

The LUR Ordinance permits one principal use upon any single lot, where a mix of three principal uses is proposed and two separate buildings. The site contains a mixed-use office and residential use and a warehouse/storage use. In the building along Meeker Street, there is an office and a garage on the first floor and two 3-bedroom residential units on the second floor. In the rear building, there is warehouse/storage space used by the existing general contracting/landscaping business. Along with the proposed expansion, additional office space associated with the warehouse/storage use is proposed in the rear building. The proposed project seeks relief by allowing for more than one principal use on the project site. As such, the benefits of granting the requested variance will substantially outweigh any detriment consistent with N.J.S.A. 40:55D.-70.c.(2).

7.1.2 “c” Variances

The Board has the power to grant “c(2)” or so-called “benefits v. detriments” variances pursuant to N.J.S.A. 40:55D-70c(2), where the purposes of the MLUL would be advanced by a deviation from the LUR Ordinance requirements and the benefits would substantially outweigh any detriments. The justifications must also address the negative criteria.

Side Yard

The LUR Ordinance requires a minimum side yard setback of 10 feet + 8 feet, where a side yard setback of 0 feet is proposed. The existing principal mixed-use building meets the side yard setback requirements. The existing warehouse/storage building will have a side yard setback of approximately 69 feet from the easterly lot line. However, the existing building is located on the westerly property line, where a setback of 8 feet is required. The location of the building along the westerly property line enables the building to be as far as possible from the Rahway River. Additionally, the westerly side yard abuts the rear yards of five lots—Lots 54 through 58 on Block 2. The view of the building is partially screened as the rear yards of the five lots are partially forested. Furthermore, four of the five lots are developed with detached accessory garages. As such, the benefits of granting the requested variance will substantially outweigh any detriment consistent with N.J.S.A. 40:55D.-70.c.(2).

Rear Yard

The LUR Ordinance requires a minimum rear yard setback of 30 feet, where a rear yard setback of 0.9 feet is proposed. The existing principal mixed-use building meets the rear yard setback, however, the existing warehouse/storage building has a rear yard setback of 0.9 feet. Adjacent to the rear lot line of the project site is the side lot line of 20 Central Place (Block 2, Lot 30). This adjacent lot has a depth of 187 feet and is currently developed with a 1-family dwelling at the front of the lot. The existing warehouse/storage building abuts a vacant, heavily forested section of Lot 30. As such, the benefits of granting the requested variance will substantially outweigh any detriment consistent with N.J.S.A. 40:55D.-70.c.(2).

Lot Coverage

The LUR Ordinance permits a maximum lot coverage of 55%, where a lot coverage of 96.7% is proposed. The project site is developed with a commercial use that currently covers 99.4% of the lot with impervious coverage. The mix of uses on the property require sufficient off-street parking for commercial vehicles and equipment. The proposed project includes new roof leaders on the proposed addition to the existing 2-story building. All new roof leaders will connect to the on-site underground drainage conveyance system. The proposed improvements will result in a net decrease of 848 square feet of impervious area through the proposal of two landscape buffers, one located along the westerly side lot line and one located along the rear lot line. As such, the benefits of granting the requested variance will substantially outweigh any detriment consistent with N.J.S.A. 40:55D.-70.c.(2).

Off-Street Parking

The project proposes 18 parking spaces, where 45 spaces would be required. The parking requirements in the LUR Ordinance for the project site are listed below:

Table 2-Parking Requirements.

Minimum Required Number of Parking Spaces for 15 Meeker Street (Block 2, Lot 43.01 & 50)				
Building	Use	Parking Requirement	Unit/sf	Total Parking Spaces Required
Building 1	Townhouse – 3 bedrooms	2.4 per unit	2	4.8
Building 1	Office (non-medical)	1 per 250 sf of gross floor area	400	1.6
Building 1	Storage yard or machine shop (Bldg. 1)	1 per 300 sf of gross floor area	2,730	9.1
Building 2	Office (non-medical)	1 per 250 sf of gross floor area	2,072	8.3
Building 2	Storage yard or machine shop	1 per 300 sf of gross floor area	6,114	20.4
TOTAL				45

The proposed increase in office space does not imply an increase in traffic generation or parking demand. The project is proposing to improve office space for existing staff. The proposed addition to the rear building is intended to provide vehicle storage, which will minimize the need for additional parking spaces. Given the nature of the business, there is minimal demand for customer parking as customers are seldom on site. The proposed commercial parking will be located along the easterly property line to minimize any impact to the residences to the north and west. The existing residential parking will remain on the westerly driveway. All proposed parking spaces will be a minimum of 9 feet by 18 feet. As such, the benefits of granting the requested variance will substantially outweigh any detriment consistent with N.J.S.A. 40:55D.-70.c.(2).

Tandem Parking

Per the LUR Ordinance Section 25-12.1.f. General Provisions for Off-Street Parking, parking areas in uses other than one, two and three family houses shall be so designed that vehicles are not compelled to back directly onto a public right-of-way. Tandem parking spaces are proposed in the existing driveway to the west of the mixed-use building for the residential use. The driveway has an approximate width of 16.5 feet which narrows to approximately 11.5 feet where the proposed landscaped buffer begins. The proposed parking will be a benefit for the tenants of the two-family use in the already existing driveway and is consistent with the intent of this requirement.

7.2 Advancement of the Master Plan

The Township of West Orange adopted a comprehensive Master Plan in 2004. Subsequently, the Master Plan was reexamined in 2010 and 2019. The 2004 Master Plan and the 2010 and 2019 Reexamination Reports contain several principles and standards which are relevant to the proposed project:

- **Master Plan Principle #4 “Maintain the Existing Scale of the Community.” (pg. 4)**
The 2004 Master Plan notes the need to limit the intensity of commercial/retail, industrial, and residential development. The existing buildings have existed on the site since at least 1987. The warehouse/storage use is categorized in the LUR Ordinance as an office/storage yard use. Storage yard uses are only permitted in the Industrial (I) District. The existing industrial districts in West Orange Township are characterized by residential uses interspersed with a mixture of light industrial, automotive and storage uses. The project proposes the demolition of accessory buildings and an addition to the existing 2-story warehouse/storage building. The proposed addition is intended to reconfigure the project site to store materials and commercial vehicles inside. This principle was reaffirmed in the 2010 and 2019 Reexamination Reports.
- **Land Use Standard (2004 Master Plan) “The character of these areas and their suitability for particular uses can best be provided for by maintaining established residential and commercial land use patterns and through the prudent application of regulations which assure that future development, redevelopment, or expansion occurs at reasonable levels of intensity.” (pg.6)**
The proposed project will not increase the intensity of the existing commercial use. Alternatively, the project proposes to eliminate outdoor storage of materials and commercial vehicles. Site improvements will include two new landscaping buffers which will increase the pervious area by 848 square feet. Furthermore, the proposed project will not result in an increase need for public service (e.g. water, sewer) or the need for on-street parking. This standard was reaffirmed in the 2010 and 2019 Reexamination Reports.
- **Land Use Standard (2004 Master Plan) “Infill development...should be balanced with the need to maintain open space. In addition, redevelopment and rehabilitation of existing structure should be encouraged.” (pg. 10)**
The proposed project will demolish two accessory buildings and rehabilitate an existing 2-story warehouse/storage building. Additionally, new landscaping is proposed, which will increase the pervious surface area of the project site. This standard was reaffirmed in the 2010 and 2019 Reexamination Reports.

7.3 Purposes of the Municipal Land Use Law

The project will advance several purposes of the Municipal Land Use Law, specifically:

- The proposed project will promote the general welfare consistent with N.J.S.A. 40:55D-2.a. through the reconfiguration of the site and retention of a local business, while limiting the outdoor storage and public services demands (e.g. water and sewer).
- The proposed project will advance the security of the site from fire and flooding consistent with N.J.S.A. 40:55D-2.b. through the rehabilitation and elevation of the rear building consistent with current building codes and New Jersey Department of Environmental Protection requirements.

- The proposed project will provide adequate light, air, and open space pursuant to N.J.S.A. 40:55D-2.c. through the relocation of outdoor storage into the proposed addition.
- The project will promote a desirable visual environment consistent N.J.S.A. 40: 55D-2.i. by providing site improvements including as new building façade, new landscaping, and new canopies.

As discussed in Section 7.2, the project will also advance several goals and recommendations of the Master Plan.

7.4 Negative Criteria

The Board may not exercise its power to grant a variance unless the so-called “negative criteria”, showing that such variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance, has been satisfied.

The granting of the variances will not result in a substantial detriment to the intent and purpose of the zone plan and zoning ordinance in that the project is consistent with surrounding developments to the north and east which includes a variety of commercial/retail uses. The proposed project advances several of the land use recommendations of the Master Plan including the rehabilitation of existing structures and maintenance of the existing scale of the community.

The proposed project is not anticipated to generate more traffic. The visual impact of the proposed changes to the existing building will be reduced by the location of the building addition in the rear/interior of the property as well as through the proposal of the two landscape buffers along the westerly driveway and the rear property line. The granting of the variances will not result in a substantial detriment to the public good.

8.0 Conclusion

The proposed project will reconfigure the layout of the mixed-use development on site. Among the beneficial aspects of this project, the proposed project will advance the goals and objectives of the Township of West Orange Master Plan to encourage the rehabilitation of existing structures and to maintain the existing scale of the community. None of the requested variances will be a substantial detriment to the public health, safety, or welfare or a substantial impairment of the zone plan and zoning ordinance. The requested variances can be granted in that both the positive and negative criteria have been met. The information contained within this report may be supplemented with expert testimony at the Zoning Board of Adjustment hearing.

APPENDIX A
PHOTOGRAPH LOG



Figure 1: View of the mixed-use building on the subject property at 15 and 19 Meeker Street (Block 2, Lot 43.01 & 50), from Meeker Street viewing north.



Figure 2: View of the east access drive on the subject property at 15 and 19 Meeker Street (Block 2, Lot 43.01 & 50), from Meeker Street viewing north.



Figure 3: View of the west access drive on the subject property at 15 and 19 Meeker Street (Block 2, Lot 43.01 & 50) from Meeker Street viewing north.



Figure 4: View of the property at 13 Meeker Street (Block 2, Lot 51) adjacent to the west of the subject property, from Meeker Street viewing north.



Figure 5: View of the property at 362 Chestnut Street (Block 6201, Lot 1) adjacent to the east of the subject property, in Orange, from Chestnut Street viewing north.



Figure 6: View of the property at 24 Meeker Street (Block 1, Lot 38) across Meeker Street to the south of the subject property, from Meeker Street viewing south.