

MURPHY
McKEON P.C.
COUNSELLORS-AT-LAW

ROBERT H. OOSTDYK, JR.
ANTHONY M. BUCCO
JAMES T. BRYCE
CHRISTOPHER I. WOODS¹
DAVID J. RUITENBERG
SHARON L. WEINER²

JAMES M. PARISI¹

OF COUNSEL:
MARTIN F. MURPHY¹
JAMES L. McKEON, III¹
DIANA WALSH
SERENE M. HENNION
ROBERT S. MEYER
¹NEW JERSEY & NEW YORK BAR
²NEW JERSEY, NEW YORK & PENNSYLVANIA BAR

RIVERDALE SOUTH
51 ROUTE 23 SOUTH, P.O. BOX 70, RIVERDALE, NEW JERSEY 07457
TELEPHONE: (973) 835-0100 • FACSIMILE: (973) 835-1732
www.murphymckeonlaw.com

NEW YORK: 25 WEST STREET, WARWICK, NY 10990 • (845) 987-1577

Writer's Direct:
Tel. (973) 835-0100 ext. 1245
jparisi@murphymckeonlaw.com

January 29, 2021

VIA EMAIL ONLY

Kenneth D. McPherson, Esq., Planning Board Attorney
Township of West Orange
66 Main Street, Room 214
West Orange, New Jersey 07052

Re: PB-19-09
Minor Subdivision
Owner: 732 Eagle Rock Ave LLC
Properties: 732 Eagle Rock Avenue, West Orange, NJ (Block 177, Lot 26.01)
730 Eagle Rock Avenue, West Orange, NJ (Block 177, Lot 26.02)

Dear Mr. McPherson:

As you are aware, this office represents 732 Eagle Rock Ave LLC, the owner of the two (2) properties referenced above, which were created via a minor subdivision that was formally approved by the West Orange Planning Board on or around April 4, 2020. The purpose of this letter is to request the Planning Board's assistance in my client's application for the granting of a demolition permit with the West Orange Construction Official, Thomas Tracy.

It is my understanding from conversations with my client that the Mr. Tracy has denied my client's application for a demolition permit of the dwelling that is currently existing on Block 177, Lot 26.01. The reason that my client was given for the denial was that the Resolution approving the subdivision contains a condition that the existing dwelling be renovated, but that the Resolution does not allow for the demolition of said dwelling. Presumably, Mr. Tracy is referring to condition 2(e) on page 5 of Resolution. However, the Resolution does not contain any such provision prohibiting the demolition of the existing dwelling. In fact, I believe the Planning Board's intent in setting such condition was to ensure that my client does not just leave the dilapidated existing structure on the property in its current state. Furthermore, the Municipal Land Use Law exempts one or two dwelling-unit buildings from site plan review and approval. See N.J.S.A. 40:55D-37. Therefore, there is no basis in the Resolution or the Municipal Land Use Law for my client's demolition application to be denied.

In addition, my client has demonstrated to Mr. Tracy that renovation of the existing dwelling is not feasible and is unsafe. In that regard, in further support of their demolition application, my client submitted a letter to Mr. Tracy dated December 1, 2020 from William J. Martin, R.A., AIA, P.O. N.C.A.R.B., providing

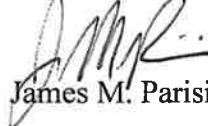
his professional opinion as to why the existing dwelling must be demolished and not renovated. A copy of this letter is enclosed herein for your reference. As you will see in the enclosed letter, due to the poor quality of the foundation of the existing dwelling, it is not suitable to safely support a two-story dwelling. By demolishing the existing dwelling and reconstructing a fully conforming dwelling on the lot, my client is satisfying the Board's intent.

Based on the foregoing, I am writing the Planning Board to respectfully request that you clarify this provision of the Resolution to the Construction Official so as to allow my client to obtain a demolition permit.

Thank you for your attention to the foregoing. If you have any questions or concerns in this regard, please do not hesitate to contact me.

Very truly yours,

MURPHY McKEON, P.C.



James M. Parisi, Esq.

cc: Angelina Stanziale, 732 Eagle Rock Ave LLC (via email)