



TOWNSHIP OF WEST ORANGE

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

Department of Planning and Development

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TO: Planning Board Members

FROM: Paul Grygiel, AICP, PP, Planning Director

DATE: June 1, 2021 – *revised August 2, 2021*

RE: **PB-21-05/Valley Arts Dental, LLC**
Block: 25; Lot: 2; Zone: B-1/Central Business District
515 Valley Road
Minor site plan and variance approvals

INTRODUCTION

The applicant is requesting approvals to expand an existing building occupied by a dental office and to undertake related site modifications on a property located on Valley Road at the intersection of Central Avenue. The subject property is located in the B-1 zone and the Central Business District. The proposal is consistent with the permitted uses and most bulk standards, but requires variances from certain requirements. *My initial review letter has been updated to include two additional variances for signage.*

LAND USE/CIRCULATION

The subject property consists of one tax lot with an area of 7,737.8 square feet (0.18 acres). It is located on the west side of Valley Road. It is developed with a one-story building with a gross floor area of 773 square feet that is occupied by a dental office. The site driveway also provides access to the rear yard of the residential property to the west. There is a mix of land uses in the surrounding area, including residential to the north, west and south, and commercial on the east side of Valley Road.

Valley Road is a two-lane road, with a third lane for turning at the traffic signal in front of the subject property. There is no on-street parking permitted on the section of Valley Street closest to



the subject property. New Jersey Transit's Highland Avenue railroad station is approximately one-quarter mile to the southeast, with bus stops located further east on Scotland Road.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Site Plan (7 sheets)	Anthony Marucci, P.E., P.L.S., P.P.	4/13/21
Architectural Plans (1 sheet)	Mark Evan Teichman, R.A.	4/9/21

VARIANCES REQUIRED

SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
25-7.1 Maximum lot coverage	75%	58.0%	87.5%
25-12.1 h.6. Minimum driveway width	24 feet	11 feet	16 feet
25-15.3c.2.(b) Maximum number of signs	One sign on the principal façade	Multiple signs on windows on principal façade	Two signs on principal façade
25-15.3c.2.(c) Sign location	Not permitted on roof	N/A	Wall sign above the roof

As discussed below, due to recent amendments to the Land Use Regulations Ordinance, a parking variance is not required.

DISCUSSION/RECOMMENDATIONS

Proposal

The applicant is proposing to construct an addition to the existing building, which will wrap around the east, north and west sides of the building. The addition is proposed to add 999 net square feet of floor area to the building, resulting in a new gross floor area of 1,772 square feet. A small portion of the building along the driveway where the entrance is located will be demolished and the entrance relocated to the rear of the building. The number of treatment rooms will be increased from three to five. Two wall-mounted signs are proposed on the front of the building, including one above the level of the roof.

A total of 10 parking spaces are proposed, inclusive of seven standard spaces, one handicap space and two employee spaces. Vehicular access will continue to be provided by one two-way driveway on Valley Road, although the driveway will be widened due to a portion of the existing



building being removed. The driveway's width will be 16 feet closest to Valley Road and widen to 18 feet to the west. A sidewalk is proposed on the north side of the building to provide pedestrian access to the rear of the building and the relocated entrance.

Landscaping is proposed along the north side of the widened driveway and on the north and west sides of the parking lot. One new deciduous tree is proposed in the northwest corner of the site. Three new light fixtures are proposed: two mounted on the building and one on a pole at the west end of the parking lot. Two drywells are proposed in the driveway. A block wall with a maximum height of three feet is proposed along the western edge of the parking lot.

Site Plan/Other Issues

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-60 permits a planning board to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a "d" variance as part of site plan or subdivision review. The variance proofs are the same as for "c" variances as set forth in N.J.S.A. 40:55D-70c. 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 has requested three variances. However, Township Ordinance 2617-20 adopted in September 2020 amended various sections of the West Orange Land Use Regulations Ordinance. The off-street parking requirements were modified to implement recommendations in the Township's 2019 Master Plan Update. In particular, Section 25-12.2 b.5. provides an exemption from providing off-street parking for the first 1,000 square feet of gross floor area of an individual use for all permitted nonresidential uses other than restaurants and bars in the portions of the B-1 and B-2 Zones in the Central Business District. This section also requires provision of one space per 300 square feet of gross floor area above the first 1,000 square feet. Therefore, the requirement for the proposed building on the subject property is three spaces. (It is noted the overall requirement for medical, dental, psychiatric and chiropractic offices was amended to one space for each 150 square feet of gross floor area, which is not applicable given the subject property's location.)





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