



TOWNSHIP OF WEST ORANGE APPLICATION PACKAGE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

1. Zoning/Planning Board Application
2. Checklists:
 - "C" and "D" Applications Interpretations and Appeals
 - Major/Minor Site Plan or Subdivision (52 Items)
 - Sustainability Checklist
3. Fee Schedules
4. W-9 Form
5. Zoning Board of Adjustment Meeting Schedule
6. Planning Board & Site Plan Review Advisory Board Meeting Schedule
7. Tree Removal Application Procedure
8. Tree Removal Application
9. Ordinance 2436-15 Amending Chapter 25, Sections 4, 51.6, 51.7, 51.8, 51.9, 51.10, & 51.15 (Revision of Various Zoning Ordinances)
Adopted 2/10/2015
10. Ordinance 2448-15 Amending Chapter 25, Section 51.16
Adopted 5/12/2015
11. Ordinance 2464-15 Amending Chapter 25, Sections 8.4, 9.9, 9.10, & 11.10 & Chapter 32, Section 3 (Revision of Various Zoning Ordinances)
Adopted October 27, 2015

BEFORE preparing or submitting an Application, it is strongly suggested that you contact the Planning Board Secretary or Zoning Board Secretary. We will be happy to assist you or answer any questions pertaining to the filing of an application to the Planning Board (325-4111) or Zoning Board of Adjustment (325-4108).

PLEASE NOTE:

- ! The application must be typed or neatly printed. 5
- ! Twenty (20)⁶ copies total - no exceptions. (Nineteen (19) copies shall be submitted with one (1) original.)
- ! Each application, including the original must have attached any enclosures as required.
- ! Refer to the Zoning Ordinance for all application requirements.
- ! Application fees and escrow must be submitted at the time of filing.
(If an escrow fee is required, a completed W-9 form must accompany the fees).
- ! All experts must be licensed to practice in the State of New Jersey.
- ! Any additional documents submitted after the original filing of the Application must include twenty copies total (nineteen (19) copies with one (1) original) to the Zoning Board or Planning Board and must be submitted at least 10 days before the Applicant's public meeting date.

Pursuant to Municipal Land Use Law, N.J.S.A. 40:55D-10(f), a verbatim recording of the proceedings shall be made. The Planning Board or Zoning Board of Adjustment shall furnish duplicate recording upon request from any interested party at the requesting party's expense which shall not exceed the actual cost of preparation. All transcripts which may be prepared from any such recording, whether prepared at the request of the Board or an interested party, shall be transcribed by a licensed New Jersey Court Reporter and certified in writing to be accurate.

After the Board hears the Application and renders a decision, a Resolution will be read and voted on at the next scheduled regular meeting. Upon receipt of the signed Resolution, the Applicant must submit eight (8) full size sets of final site plans, signed and sealed, to the Board Secretary for signatures. Once the Applicant receives a copy of the signed site plan, the Applicant may then apply for building permits.

**TOWNSHIP OF WEST ORANGE
APPLICATION FORM FOR THE
PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT**

A. APPLICANT INFORMATION

Full Legal Name: Gurrieri Michael
(Last) (First)
Mailing Address: 9 Lowell Ave, West orange, NJ 07052
(Street) (City) (State) (Zip)
Telephone Number: (732) 547-0228 Email: michael.gurrieri@gmail.com

Is the Applicant an: ☒ Individual, ☐ Corporation, ☐ Partnership, ☐ Other _____

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached.

Relationship of the applicant to the property: ☒ Owner, ☐ Tenant or Lessee, ☐ Purchaser under contract
(with consent of owner, ☐ Other (please specify) _____

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☒ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: _____
Address: _____
Telephone Number: (____) _____ Email: _____

C. PROPERTY INFORMATION

Street Address: 9 Lowell Avenue
Block Number(s): 46.02; Lot Number(s): 6
Tax Plate: _____; Zone of Property: _____
The location of the property is approximately 350 feet from the intersection of _____
Walker Rd and Lowell Ave (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?
☐ Yes, Date(s): _____; ☒ No

If yes, please attach copies of the written decisions adopted by the Board to each application.

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☐ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☒ Variance "C1" Reason: ☐ shape of property; ☐ physical features; ☒ exceptional situation.
- 4) ☐ Variance "C2".
- 5) ☐ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☒ Site Plan: ☐ preliminary; ☒ final; ☐ preliminary and final; ☒ with variances; ☐ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☐ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list.

Section: 25-8.1 ; Proposed: _____ ; Description: _____
Section: _____ ; Proposed: _____ ; Description: _____
Section: _____ ; Proposed: _____ ; Description: _____
Section: _____ ; Proposed: _____ ; Description: _____

E. DESCRIPTION OF PROPERTY

Existing Use of the Property

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)

Our pool & deck do not meet the required setback from rear and side property boundaries. We request a variance to keep the deck where it is, with the removal & relocation of current stairs which are on West Orange property.

The property is 6098 (square feet); 0.14 (acres)

Impervious Surface Coverage: Present: _____ ; Proposed: _____

Building Coverage: Present: _____ ; Proposed: _____

Is the property located:

- | | | |
|--|------------------------------|--|
| Within 200 feet of another municipality? | ☐ Yes | ☒ No |
| Adjacent to an existing or proposed county road? | ☐ Yes | ☒ No |
| Adjacent to other county land? | ☐ Yes | ☒ No |
| Adjacent to a state highway? | ☐ Yes | ☒ No |

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY:

Jonathan Sherman

Telephone Number: (913) 538-4700

Email: jsherman@feinsuch.com

Address: 7 Century Drive, Ste. 201, Parsippany NJ 07045

APPLICANT'S ENGINEER:

Manny Vega (M. Vega General Construction & Landscaping)

Telephone Number: (913) 489-2717

Email: mvega11c@hotmail.com

Address: 56 Franklin Ave, West Orange NJ 07052

APPLICANT'S ARCHITECT: See above

Telephone Number: () _____ Email: _____

Address: _____

APPLICANT'S PLANNER: _____

Telephone Number: () _____ Email: _____

Address: _____

OTHER EXPERT(S): _____

Telephone Number: () _____ Email: _____

Address: _____

If necessary, please list any additional experts below, including address, telephone number and email address.

G. REQUIREMENTS FOR VARIANCES

- 4A) Please attach a written statement labeled "PROPOSAL", describe the major elements of your proposal, and describe in detail the physical and use changes proposed.
- 4B) Please attach a written statement labeled "REASONS FOR RELIEF", which fully answers 4C-1, 4C-2 or 4D (Special Reasons) AND part 4E (Negative Criteria).
- 4C-1) (*For C1 variances only*) The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- 4C-2) (*For C2 variances only*) State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A. 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- 4D) (*For D variances only*) State the special reasons under *N.J.S.A. 40:55D-70d* affecting this property.
- 4E) The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION
Survey	David J. Von Steenburg	06/30/2021
Letter from Municipal Engineer	Leonard R. Lepore	07/14/2021
Drawing of proposed deck & pool	Kristopher Healey	07/29/2021

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

J. VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Applicant's Signature: Michael Lunn Date: 8/20/21

CONTINUANCE

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statute time limit, the applicant grants permission for such an extension.

Applicant's Signature: Michael Lunn Date: 8/20/21

OWNER'S AUTHORIZATION - MUST BE SIGNED

I hereby certify that I reside at 9 Lowell Avenue
in the County of Essex and the State of New Jersey;
and that I am the owner of all that certain lot, piece or parcel of land known as Block(s) 46.02;
Lot(s) 6 on the Tax Map of West Orange which property is the subject of the above
application, and that said application is hereby authorized by me. Furthermore, I authorize inspection of the site
which is the subject of this application.

Owner's Signature: Michael Lunn Date: 8/24/21

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.



TOWNSHIP OF WEST ORANGE

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

DEPARTMENT OF PUBLIC WORKS

ROBERT D. PARISI

Mayor

Tel: (973) 325-4160

Fax: (973) 669-9588

Email: Engineering@westorange.org

LEONARD R. LEPORE

Director, Municipal Engineer

July 14, 2021

Mr. and Mrs. Healey
9 Lowell Avenue
West Orange, NJ 07052

RE: WINDING WAY AT 9 LOWELL AVENUE REAR

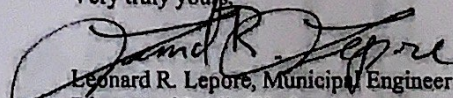
Dear Mr. and Mrs. Healey,

In Spring 2019, the Township improved Winding Way behind your property at 9 Lowell Avenue, Block 46.02, Lot 6. This project was known as the Improvement of Winding Way, Phase II, and the work commenced at Lowell Avenue and continued to Sheffield Terrace. The work consisted of a new drainage collection and conveyance system, granite block curb along the existing edges of the pavement then new hot mix asphalt paving courses.

When the project was designed in 2018, it was apparent that several properties on Lowell Avenue had improvements such as fencing that encroached into the right of way of Winding Way. The Township never considered removing those encroachments for the installation of improvements on Winding Way. The design kept the edge of pavement in its prior location so that the installation of granite block curb did not require any additional area. Furthermore, the Township did not propose any sidewalks which would have required the removal of rear yard fences in the properties on Lowell Avenue along Winding Way. The intent of the improvements was to disturb very little of the frontage of private property along the street and keep as much of the rustic character and charm of Winding Way while improving drainage and providing a pavement safer for travel.

The improvement to Winding Way is complete, and the Township has no plans to widen the roadway or install sidewalks behind your home at 9 Lowell Avenue. The fence and other improvements including the pool, deck and deck stairs may remain in their current location unless the Building Department or Zoning Official requires them to be moved.

Very truly yours,

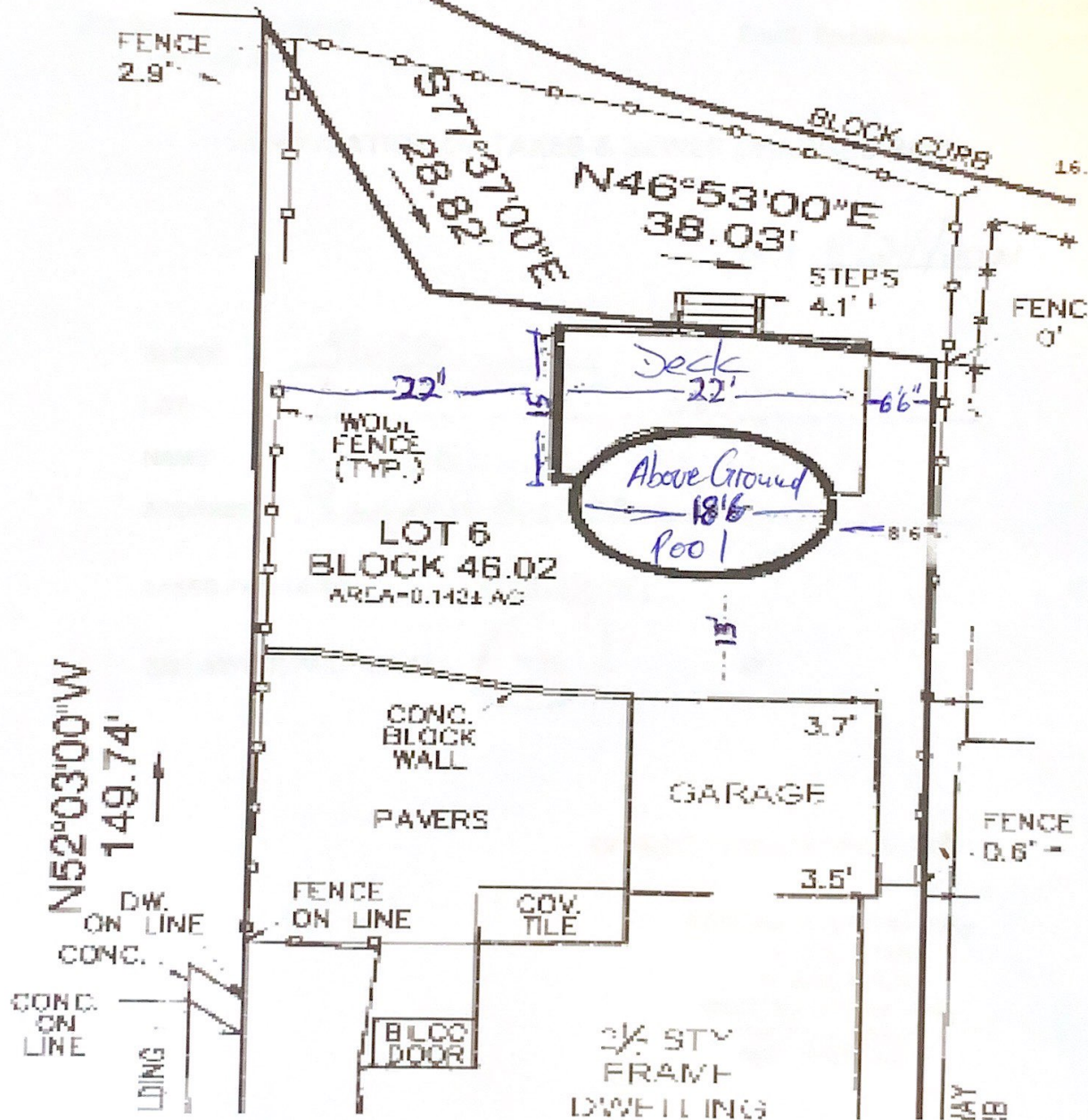

Leonard R. Lepore, Municipal Engineer
Director of Public Works

LRL/tb

cc: Mayor Parisi
Tom Tracey
Geniece Gary-Adams
Police Chief Abbott
John Gross

DT 32

Winding Way





TOWNSHIP OF WEST ORANGE

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

OFFICE OF THE TAX COLLECTOR

ROBERT D. PARISI
Mayor
JOANNE GAGLIARDO
Tax Collector

Tel: (973) 325-4075
Fax: (973) 736-9182
Email: Taxcollector@westorange.org

VERIFICATION OF TAXES & SEWER CHARGES PAID

DATE: 8/24/2021

BLOCK: 46.02
LOT: 6 QUAL: _____
NAME: Gurrieri
ADDRESS: 9 Lowell Avenue

TAXES PAID UNTIL: 10/31/2021

2021 SEWER PAID IN FULL: ☒ YES ☐ NO

OFFICE OF THE TAX COLLECTOR

TOWNSHIP OF WEST ORANGE
TAX COLLECTOR
66 MAIN STREET
WEST ORANGE, NJ 07052
PHONE (973) 325-4075
FAX (973) 736-9182

AN EQUAL OPPORTUNITY EMPLOYER
www.westorange.org

Facsimile: (973) 669-4859

Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	ZipCode
46.02	6		9 LOWELL AVENUE	HEALEY, KRISTOPHER & PAULA	9 LOWELL AVE	WEST ORANGE,NJ	07052

or

Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	ZipCode
46.02	2		18 WINDING WAY	MOODY, ROBERT J	18 WINDING WAY	WEST ORANGE, NJ	07052
46.02	4		7 LOWELL AVENUE	VICK, JONATHAN S & HEATHER DERRY	7 LOWELL AVENUE	WEST ORANGE, NJ	07052
46.02	8		11 LOWELL AVENUE	GEIGER, JR. PAUL J. & W. ELIZABETH	11 LOWELL AVENUE	WEST ORANGE, N.J.	07052
46.02	10		13 LOWELL AVENUE	MARTIGNONI, SUSAN & NEIL, PATRICIA	13 LOWELL AVENUE	WEST ORANGE, N.J.	07052
46.02	12		WALKER & WINDING WAY	CITY OF ORANGE	29 NORTH DAY STREET	ORANGE, NJ	07050
46.02	14		15 LOWELL AVENUE	PHILLIPS, PATRICIA RICE -	15 LOWELL AVENUE	WEST ORANGE, NJ	07052
46.02	16		17 LOWELL AVENUE	GUEYE, MAME MERY	17 LOWELL AVE	WEST ORANGE, NJ	07052
46.02	21		121 WALKER ROAD	WHITE, DAWN M	121 WALKER ROAD	WEST ORANGE, NJ	07052
46.02	22		123 WALKER ROAD	PENNINGTON,JOAN	123 WALKER RD.	WEST ORANGE, N.J.	07052
46.02	26		125 WALKER ROAD	LEWIS-SANKAR, CHERYL	125 WALKER ROAD	WEST ORANGE, NJ	07052
46.02	28		127 WALKER ROAD	GUTSCHMIDT, EILEEN F.	127 WALKER ROAD	WEST ORANGE, NJ	07052
46.02	30		129 WALKER ROAD	SILINYTE, ALVYDA & KUPINAS, GYTIS	129 WALKER RD	WEST ORANGE, NJ	07052
46.02	32		28 WINDING WAY	LAWNER, DAVID & TARA LONG	28 WINDING WAY	WEST ORANGE, NJ	07052
46.02	34		30 WINDING WAY	ABO-DONIA, AHMED U & JAHIN, SALMA	30 WINDING WAY	WEST ORANGE, NJ	07052
						WEST ORANGE	

created on 7/26/2021

Block	Lot	Qualifier	Location	Owner	Owner Address	Owner City/State	ZipCode
47	9		GREGORY AVENUE	BOARD OF EDUCATION	179 EAGLE ROCK AVE	WEST ORANGE, NJ.	07052
47	27		6 LOWELL AVENUE	ORTIZ, SHARON	6 LOWELL AVENUE	WEST ORANGE, NJ	07052
47	29		14 WINDING WAY	JEAN, JAMES R & DORSAINVIL, DANIELLE	14 WINDING WAY	WEST ORANGE, NJ	07052
49	7.03		19 WINDING WAY	SCHOWALTER, MARK E & MELANIE	19 WINDING WAY	WEST ORANGE, NJ	07052
49	10		25 WINDING WAY	WARD, SEWARD & SUSAN	25 WINDING WAY	WEST ORANGE, NJ	07052
49	12		41 WINDING WAY	KENNEDY, ILONA	41 WINDING WAY	WEST ORANGE, NJ	07052
49	12.01		33 WINDING WAY	GAUSE, JOHN & KRISTA	33 WINDING WAY	WEST ORANGE, NJ	07052
49	12.02		21 WINDING WAY	21 WINDING WAY, LLC.	30 OXFORD ROAD	OLD BETHPAGE, NY	11804

Buffer Report - Map



DEED

Prepared By:
THERESA A. NITTI, ESQ.
Attorney at Law of NJ

This Deed is made on this day of July 2021,

BETWEEN

Kristopher J. Healey and Paula C. Healey, husband and wife,

whose address is 9 Lowell Avenue, West Orange, New Jersey 07052,
referred to as the Grantor,

AND

Michael A. Gurrieri and Kristen V. Gurrieri, husband and wife,

whose address is about to become, 9 Lowell Avenue, West Orange,
New Jersey 07052, referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and
all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys
(transfers ownership of) the property described below to the
Grantee. This transfer is made for the sum of
SIX HUNDRED SEVENTY FIVE THOUSAND AND NO/100 DOLLARS
(\$675,000.00). The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Township of West Orange

Block No. 46.02 Lot No. 6 Account No.

☐ No property tax identification number is available on the
date of this Deed. (Check box if applicable).

Property. The property consists of the land and all the
buildings and structures on the land in the Township of West
Orange, County of Essex, and State of New Jersey. The legal
description is:

☒ Please see attached Legal Description annexed hereto and
made a part hereof. (Check box if applicable).

BEING the same premises conveyed to Grantors by Deed from Deanna
Alzubi and Mohd Alzubi, her husband, dated December 13, 2002,
recorded in the Essex County Clerk/Register's Office on February
22, 2003, in Deed Book 5949, Page 748.

Promises by Grantor. The Grantor promises that the Grantor
has done no act to encumber the property. This promise is
called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6).
This promise means that the Grantor has not allowed anyone else
to obtain any legal rights which affect the property (such as by
making a mortgage or allowing a judgment to be entered against
the Grantor).

The street address of the Property is: 9 Lowell Avenue, West
Orange, New Jersey 07052.

PROPOSAL

9 Lowell Ave, West Orange, NJ

We purchased the property with an existing above-ground pool & deck. The pool is oval with dimensions being 12'6"x18'6"x48"D. The dimensions of the deck are 24'x15'. The height of the floor of the deck ranges from 12" on the top of the hill to 30" at the bottom of the slope. There is a retaining wall which is 22" tall. The retaining wall is the length of the back side of the deck, 24', and extends 8'6" on each side of the deck. Currently, there is a set of stairs that are located outside of our property line on Township property. We propose to close off the existing stairs by completing the retaining wall face and back filling the stairs with soil. Additionally, the 36" deck railing will be connected atop the finished wall. A concrete support slab will be poured, and new stairs will be erected along the southern side of the deck. Any required railings will be installed, as well. This project would immediately commence upon approval of variance.

REASONS FOR RELIEF

We were not aware of the fact that approximately 800 sq. ft. of the property located within the rear fence of the yard belonged to West Orange. This information came to light approximately one hour prior to our original closing date of July 2nd, 2021, when our attorney finally received the survey we had requested a month prior (many offices, as you can imagine, remain extremely backed up due to Covid). The news came as a great shock to us, and we spent the next several weeks trying to glean information from the Township about our options for moving forward while negotiating with the sellers. Time was of the essence to get a new closing date on the books, as our apartment lease was up in early August and our new baby was due to arrive in the coming weeks.

The shape of the property, at this point, is extremely odd (see survey). We are requesting a C-1 variance that allows the deck and pool to remain in their current location which does not meet the rear yard setback and is approximately 34" beyond the side yard setback from the neighboring property located at 7 Lowell Ave. If the variance is not granted, it would be a great expense to us to remove the deck and rebuild within the proper setbacks. Also, due to the narrowness of the property, the deck would have to be greatly reduced in size, to meet all of the setback requirements. Upon approval of variance, we will immediately proceed with the permit process for all structures.

The granting of this variance will be of no detriment to the public good or impair the intent of the zone plan and zoning ordinance. All property subject of this application is located within the fenced yard of the property at 9 Lowell Ave. The fence has been in its current location for the 19 years the prior owners resided here, and long before that, as we've been told. The prior owners maintained this property as their own for the entirety of their residency. This includes, planting and maintenance of shrubbery, planting and maintenance of grass, and the removal of 2 dead trees which were the town's property according to the survey lines. As the new owners, we will continue to maintain this property as our own. Furthermore, we've received a letter from the engineering office that there is no plan for future use of the town-owned property, and that the deck, stairs and pool can remain in place unless the Building Department or Zoning Department require otherwise.



