

#9

BOARD OF ADJUSTMENT  
OF  
THE TOWNSHIP OF WEST ORANGE  
RESOLUTION  
ZB-97-03

WHEREAS, Pleasantdale Chateau and Conference Resort, Inc., ("The Applicant") maintaining an office and facility at 757 Eagle Rock Avenue, West Orange, New Jersey, applied to the West Orange Zoning Board of Adjustment, "The Board" as owner of premises 757 Eagle rock Avenue, West Orange, New Jersey, to request a "D" variance to use an existing structure as a temporary sales office for SGS Communities in connection with the sale of 83 one family dwellings on adjoining property, and for a "D" variance for the relocation of a barn within the required 50' buffer of the Conference Center property; that portion of the application relating to relocating an existing heliport be deferred to some future date, on premises 757 Eagle rock Avenue, West Orange, New Jersey, being Block 177.12, Lots 65, 65.01, and 66, now known as Lot 60, and being in an R-4 Zone; and for amended site plan approval; and

WHEREAS, the Applicant presented proof that adequate notice of the hearing on said application was published in The West Orange Chronicle, one of the official newspapers of the Board; and

WHEREAS, the Applicant submitted proof of service of notice of the hearing upon all property owners within 200 feet of the property; and

WHEREAS, the application was heard at a public meeting of the Board on March 13, 1997; and

WHEREAS, the Applicant made their presentation through Robert C. Williams, Esq. as their attorney, of West Orange, New Jersey, and submissions included an amended Site Plan, dated January 22, 1997 and revised February 26, 1997 signed by J. Michael Petry, Professional Engineer, Professional Planner, and Registered Architect, licensed in New Jersey, and various exhibits in the form of drawings and renderings; and

WHEREAS, Applicant presented the testimony of J. Michael Petry, Licensed Professional Engineer, Professional Planner and Registered Architect in New Jersey, who explained the proposals sought and gave the basis for the positive and negative criteria required; and stated that the proposals sought would not substantially impair the West Orange Zone Plan, the Municipal Land Use Law, the Master Plan, or the West Orange Zoning ordinances and would not substantially impair the public good or the neighborhood; and

WHEREAS, the comments of Susan Borg, Township Planner, and Allen J. Palmere, Assistant Municipal Engineer, were considered by the Board; and

WHEREAS, it was brought to the attention of the Board that the property, originally consisting of approximately 82 acres; was approved for a minor subdivision on October 5, 1995, and that Block 178, Lot 1, now under contract for sale to SGS Communities will be developed for 83 single family residential homes, regarding which it is necessary to have an accessible sales office while the development proceeds; and

WHEREAS, the Applicant's witness was questioned by various members of the Board; and

WHEREAS, Robert Lavitt, the Public Advocate, was in attendance and conducted examination of Applicant's witness and made a statement supporting the granting of the relief sought; and

WHEREAS, no one else appeared at the meeting; and no one else testified in favor of or in opposition to the project; and

WHEREAS, all the facts and data contained in the submitted application and all the facts and testimony adduced at the public hearing on said application are incorporated in herein as Findings of Fact of this Board as if set forth at length herein; and

THE BOARD HAVING MADE THE FOLLOWING SPECIFIC FINDINGS OF FACT AND CONCLUSIONS:

A. The Applicant is the owner of the property at 757 Eagle Rock Avenue, West Orange, New Jersey, the subject matter of the application.

B. The property is located in the R-4 Zone of the Township of West Orange, and is designated as Block 177.12, Lots 65, 65.01 and 66 now known as Lot 60, on the official Tax Maps of the Township of West Orange.

C. The property originally consisting of approximately 82 acres, was approved for minor subdivision on October 5, 1995.

D. Applicant is under contract of sale with SGS Communities for Block 178, Lot 1, to be developed for 83 single family residential homes.

E. It will be necessary to have an accessible sales office for the sale of said homes while the development proceeds.

F. In lieu of SGS Communities using temporary trailers for sales offices, Applicant seeks approval for them to use an existing outbuilding as shown on the plans for a temporary office during development.

G. Applicant requires a "D" variance to permit same as it would constitute a second principal use on the property which is not being used by the primary occupant.

H. Applicant also seeks a "D" variance to relocate a barn which will be within a 50' natural buffer required for the Banquet and Conference Conditional use as shown on the site plan submitted.

I. Applicant also seeks amended site plan approval.

J. Neither of above variances will interfere with the operation of the restaurant on the premises and will upgrade the property and not negatively impact on the property or the neighborhood.

K. There will be a negligible impact on traffic conditions for the proposed facility and it will not negatively impact on traffic safety as it brings traffic away from Oval Road.

L. As testified to by J. Michael Petry, Licensed Planner, use of the existing building for a temporary sales office is far superior to using temporary trailers, which is the other alternative, from the standpoint of appearance and compatibility with the area.

M. The 900 square foot barn has already been relocated

intact to the only site where it is compatible with the surrounding area.

N. Initially the barn was going to be demolished. By preserving it, the promotion of historic sites is served as the barn was so deemed and noted by the Historic Preservation Commission.

O. The barn in this location balances the other out building sought to be approved for use as a temporary sales office so as to create a favorable visual effect that blends with the area and has no negative impact on the surrounding area.

P. The foregoing constitute the special reasons to support the granting of both variances.

Q. There will be no adverse impact to the health, safety or welfare of the existing residents in the area and the relief sought is compatible with and blends with the surrounding neighborhood.

R. The purposes of the Municipal Land Use Law will be advanced by the grant of both "D" variances.

S. The granting of said "D" variances will not substantially impair the general purposes of the West Orange Zoning Plan, Master Plan or Zoning Ordinances of West Orange.

T. The benefits of said variances will substantially outweigh any detriment and will not substantially negatively impact on the surrounding properties and neighborhood.

U. The proposed project is not out of character with the neighborhood, will enhance the utility of the property and will considerably enhance the neighborhood and benefit the general

welfare of the general public and surrounding area.

A motion to grant the Applicant's request for a "D" use variance to allow the use of the existing building as shown on the plans by SGS Communities for a temporary sales office during the development of 83 single family dwelling on Lot 1, Block 178; and for the barn to be relocated as shown on the amended site plan within the 50 foot natural buffer required for the on site Banquet and Conference Center Conditional Use; and for amended site plan approval, was made by Zal Velez, seconded by William Sullivan, and voted upon as follows:

| <u>AYES</u>                                                             | <u>NAYS</u> | <u>ABSTENTIONS</u> |
|-------------------------------------------------------------------------|-------------|--------------------|
| Foster<br>Gunning<br>Sullivan<br>Velez<br>Weiss<br>Werner<br>Williamson | None        | None               |

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Adjustment of the Township of West Orange, based upon the Findings of Fact and Conclusions aforesaid, and upon the laws established in the State of New Jersey, hereby grants Applicant two use variances, both being "D" variances, to allow the existing outbuilding designated on the site plan as amended to be used as a temporary sales office by SGS Communities during the development of 83 single family homes on Block 178, Lot 1 as designated on the Township Tax Maps; and for the relocation of a barn within the 50' natural buffer required for the Banquet and Conference Center Conditional use, as shown on the amended site plan; and for amended site plan

approval; and

BE IT FURTHER RESOLVED, that the grant of said variances and approval of the Amended Site Plan shall be conditioned upon the Applicant's full and complete satisfaction of the following conditions:

1. The use of the temporary sales office shall terminate 30 days after the sale of the last single family dwelling on Block 178, Lot 1.

2. The use of said exterior outbuilding shall then revert to its prior use.

3. The barn shall be shored up and restored to its prior condition, all to the reasonable satisfaction of the Township Planner, the Township Engineering Department, and the Township Building Department.

4. Applicant shall execute, prior to issuance of a Certificate of Occupancy, and Affidavit of Compliance certifying they have fulfilled all conditions set forth herein.

MOVED BY: Sullivan

SECONDED BY: Velez

THOSE IN FAVOR: 6

THOSE OPPOSED: 0

ABSTENTIONS: 0

I certify that the foregoing Resolution was adopted by the Zoning Board of Adjustment of the Township of West Orange at its meeting of Marcy 20, 1997 and that said Resolution memorializes the action of the Zoning Board taken at its meeting held on March 13, 1997, granting said application by a vote of 7 in favor and 0 against.

A handwritten signature in cursive script, reading "Catherine Adsitt", written over a horizontal line.

CATHERINE ADSITT, Board Secretary