



TOWNSHIP OF WEST ORANGE

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

Department of Planning and Development

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TO: Zoning Board Members

FROM: Paul Grygiel, AICP, PP, Planning Director

DATE: December 8, 2021 – *revised July 15, 2022*

RE: **ZB-21-22/19 Wheatland Development LLC**
Block: 39; Lot: 56.06; Zone: R-6
17 Wheatland Avenue
Seeking “c” variances for construction of a new single-family dwelling

The applicant has made some modifications to the proposed plans. This memorandum supplements my original review memorandum dated December 8, 2021. New information is denoted in **bold**, deletions are shown in ~~striketrough~~.

INTRODUCTION/LAND USE

The applicant is requesting approvals to construct a single-family dwelling on a currently vacant property located on the north side of Wheatland Avenue. Multiple “c” or bulk variances are required to permit the proposal.

The subject property consists of one tax lot that is 5,789 square feet (0.13 acres) in area. The lot is 43 feet wide and 134.64 feet deep. There are no buildings currently located on the subject property. The only improvements on the site are remnants of walls and a manhole. The property slopes downward from west to east, and is covered with vegetation. Site photographs taken on November 15, 2021 are included at the end of this memorandum.

The property is located on the north side of Wheatland Avenue a short distance to the west of its intersection with South Valley Road. Single-family residential uses surround the subject



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property. There are some nonresidential properties located to the east on South Valley Road and other streets.

Wheatland Avenue is a two-lane dead end street. A gravel area used for perpendicular parking spaces is located on the south side of the street. No sidewalks are provided on the street.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Engineering Plans (4 sheets)	J. Michael Petry, PE, PP, RA	7/7/22
Architectural Plans (2 sheets)	Charles L. Baldanza, R.A., P.E.	7/2/22

VARIANCES REQUIRED

SECTION/REQUIREMENT	PERMITTED /REQUIRED	PROPOSED
25-7.1 Minimum lot area per dwelling unit	6,000 square feet	5,789 square feet
25-7.1 Maximum building coverage*	35%	64.48%
25-7.1 Maximum lot coverage*	45%	116.24%
25-28.8b Maximum disturbed area	10 to 14.99%: 60%, 15 to 19.99%: 40%, 20 to 24.99%: 20%, 25% or greater: 0%	10 to 14.99%: 100%, 15 to 19.99%: 100%, 20 to 24.99%: 100%, 25% or greater: 100%
25-28.8c Disturbance of slopes 25% or more	Prohibited	Proposed
25-28.8d Minimum effective lot area	6,000 square feet	1,847 square feet
25-27.8a1 Minimum trees to be preserved	30%	Less than 30%

*based on effective lot area per Section 25-28.8d

PROPOSED DEVELOPMENT

The applicant is proposing to construct a single-family dwelling on a vacant lot on the north side of Wheatland Avenue. The proposed building footprint is 1,191 square feet, with a total of 2,375 2,387 square feet of living space proposed, plus a 331-square foot one-car garage. Three bedrooms and two full bathrooms and one powder room are proposed.



A driveway will be located in front of the dwelling providing access to the garage. A patio is proposed in the rear yard.

The applicant has modified its plans from the original submittal based on discussion at the May 19, 2022 Zoning Board meeting. Notable changes include: reducing the maximum retaining wall height to 5 feet, 6 inches; proposing a modular block retaining wall instead of poured concrete; adding a landscape plan; providing a cellar plan; and recalculating the living space of the house. The retaining wall at the rear of the property has also been moved a few feet further away from the rear lot line to allow for additional plantings in this area.

DISCUSSION/RECOMMENDATIONS

The subject property is located in the R-6 Residential zone district, in which the proposed use is permitted. However, certain variances from bulk standards and other regulations are required. There are also some existing nonconforming conditions that will not change, notably for minimum lot area and minimum lot width.

The Municipal Land Use Law (MLUL) at N.J.S.A 40:55D-70c sets forth the statutory criteria for variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a “d” variance. 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 requested variances all relate to the topography of the property and/or the existing undersized lot area. Testimony must be provided regarding the potential impacts of development on steep slopes and proposed mitigation measures.

~~It is not clear from the~~ **The applicant has submitted revised plans showing the exact number and size of trees that are being removed, and whether any the replacement trees are proposed. The applicant must submit a tree removal application and plan. Eight major trees and two minor trees will be removed, and will be replaced by two October Glory Red Maple trees, six American Arborvitae and two Flowering Dogwood trees. It is noted a “major tree” is**



defined in § 25-27.3 of the Land Use Regulations Ordinance as “A tree species with a mature height of at least 50 feet, which shall be at least a 2.5-inch caliper at the time of planting.” The applicant should confirm that the proposed Arborvitae species meets this definition.

The applicant should confirm whether the changes in grading on the revised plans result in any changes to the percentage of steep slope categories being disturbed.

