



TOWNSHIP OF WEST ORANGE

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

PLANNING & DEVELOPMENT

ROBERT D. PARISI

Mayor

ROSE DESENA

Zoning Board Secretary

Tel: (973) 325-4108

Fax: (973) 325-6359

Email: zoningboard@westorange.org

Zoning Board of Adjustment Annual Report 2016

Introduction

The New Jersey Municipal Land Use Law at N.J.S.A. 40:55D-70.1 includes the following requirement:

“The Board of Adjustment shall, at least once a year, review its decisions and applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendments or revision, if any. The Board of Adjustment shall send copies of the report and resolution to the governing body and Planning Board.”

The intent of this legislation is to encourage the Zoning Board to examine issues and questions regarding the zoning ordinance discussed in conjunction with these applications, look at patterns that point out zoning ordinance inconsistencies or deficiencies, and suggest appropriate changes to eliminate or reduce variance applications.

Applications

During the period from January 1, 2016 to December 31, 2016 the Zoning Board of Adjustment held twelve (12) regular meetings and two (2) special meetings. During this period, eighteen (18) applications were submitted for consideration. A total of ten (10) applications were voted on, which included two (2) applications that were submitted in 2015, nine (9) applications remain pending and two (2) applications were withdrawn by the applicant during this period that were submitted in 2015.



AN EQUAL OPPORTUNITY EMPLOYER

www.westorange.org

Zoning Ordinance provisions which were the subject of variance requests area as follows:

25-7.1

Use

Minimum Side Yard

Minimum Side Front Yard

Minimum Rear Yard

Minimum Front Yard

Minimum Lot Width

Maximum Building Coverage

Maximum Lot Coverage

Maximum Height

25-8.1

Minimum Distance from Off Street Parking to Property Line

Setbacks for Accessory Uses

25-8.1.a

Accessory Use Location

25-8.4

Maximum Wall or Fence Height

25-8.12

Number of Principal Uses on a Single Lot

25-9.1

Portable Storage Containers

25-11.3.a

Minimum Landscape Buffer to Residential Zone

25-11.6

Open Space in an O-B Zone

25-12.1.a

Minimum Sidewalk Width between Building and Parking Area

25-12.1.b

Curbing Around Parking Area

25-12.1.p

Minimum Number of Trees in a Parking Lot

25-12.2

Minimum number of Parking Spaces



25-12.3.a.2

Minimum Number of Loading zone

25-15.3.c.2 (d)

Monument Sign Location

Minimum Monument Sign Setback

25-24.2.b.1. (g)

Nursing Home Conditional Use Standards

Specific Applications

Approved “C” Bulk Variances

There were four (4) applications requiring only “C” variances approved by the Zoning Board:

Arceo, 70 Lowell Avenue, seeking a “c” variance for the height of a retaining wall to be constructed in the rear yard.

Lando, 43 Carteret Street, seeking a “c” variance for front yard setback.

Birnboim, 10 Dockery Drive, seeking a “c” variance for a front yard setback to expand the width of an existing front landing.

Luedders & Pijewski, 49 Winding Way, seeking two “c” variances to the rear and side front yard setbacks to construct a two car garage.

Amended Site Plan Approval

The Board approved two (2) applications for an amended site plan.

Stratford Manor Rehabilitation & Care Center, LLC, 787 Northfield Avenue, seeking preliminary and final site plan approval with “d” and bulk “c” variances to add a physical therapy room to the rear of an existing building.

Seton Hall Preparatory School, 700 Prospect Avenue, seeking final amended site plan approval for replacing grass with artificial turf on the varsity baseball field.



Approval of an Extension of Time

The Board approved one (1) application this year requesting an extension of time.

H&L Orange, LLC, 160 Randolph Place, Seeking a one year extension of a prior approval for an amended site plan with variances.

Application Requesting a Modification of a Condition of Approval

Sai Hira Ram Trust, Inc., 23 Laurel Avenue, seeking a modification of a condition of approval requesting an extension of time.

Denied “D” Variance with “C” Bulk Variances

The Board denied one (1) application with “D” and “C” bulk variances this year.

The Ice Man of New Jersey, LLC, 40 Columbia Street, seeking “d” and “c” variances and minor subdivision approval to create two (2) lots where there are two (2) existing principle uses on one lot.

Denied with “C” Bulk Variances

The Board denied one (1) application with “C” bulk variances this year.

Prism Green Associates III, LLC, Rooney Circle, seeking a “c” variance to erect a monument sign.

Withdrawn Applications

There were two (2) withdrawn applications during this year.

Executive West, LLC, Ridge Road, preliminary major subdivision approval with variances for the creation of two residential lots with an abutting road for egress and ingress.

Executive West, LLC, Ridge Road, preliminary and final site plan approval with “d” and bulk variances to construct a townhouse development.

Interpretation

The Zoning Official requested an interpretation from the Board regarding permitted uses in a B-2 zone; specifically if a funeral home falls within any of the specific categories in the zone.



Litigation

The Zoning Board of Adjustment was not involved in any litigation during this period.

Recommendations for Amendments or Revisions to the Zoning Ordinance

There were no significant issues with the existing zoning regulations that became apparent due to a pattern of applications. As in past years, a recurring theme was requests for variances that pertained to the inability to comply with bulk regulations due to existing conditions of properties and/or improvements on them. This is to be expected in a nearly fully developed community such as West Orange.

Adopted: March 16, 2017



AN EQUAL OPPORTUNITY EMPLOYER
www.westorange.org