



TOWNSHIP OF WEST ORANGE

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PLANNING & DEVELOPMENT

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Zoning Board of Adjustment Annual Report 2019

Introduction

The New Jersey Municipal Land Use Law, at N.J.S.A. 40:55D-70.1, states:

“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, 2019 to December 31, 2019 the Zoning Board of Adjustment held twelve (12) regular meetings and three (3) special meetings.

During this period, ten (10) applications were submitted for consideration. A total of ten (10) applications were voted on, which includes one (1) application submitted in 2017 and three (3) applications that were submitted in 2018. Two (2) applications remain pending and three (3) applications were withdrawn this year.

**Zoning Ordinance Provisions Which Were the Subject of Variance Requests
Are as Follows:**

25-7.1

Use

Maximum Building Height

Minimum Rear Yard

Minimum Front Yard

Minimum Side Front Yard

Minimum Lot Area

Maximum Lot Coverage

Maximum Building coverage

25-8.1

Minimum Accessory Structure Setback

Off-Street Parking Setback

25-8.1.a

Accessory Use Location

25-8.1.b

Minimum Accessory Structure & Parking Area Setback Adjacent to Residential Zone

25-8.4.a

Maximum Fence Height

25-8.4.b

Solid Wall or Fence Location

25-12.1.1

Parking Space Location in B Zones

25-12.2.b.1

Minimum Number of Off-Street Parking Spaces

25-15.3.c.2 (b)

Maximum Number of Façade Signs

Maximum Projection of Façade Sign

25-15.3.c.2 (d)

Minimum Monument Sign Setback

(Freestanding sign – motor vehicle fueling station)

25-15.3.e.1

Maximum Area

25-15.3.e.3

Minimum Setback from Front Street Property Line

25-24.2.b.2.(g)(2)(i)

Minimum Average Lot Depth

25-24.2.b.2.(g)(2)(ii)

Minimum Setback of Walls from Front Street Property Line

Minimum Setback of Walls from Adjoining Lot Lines

25-24.2.b.2.(g)(2)(iii)

Minimum Entrance and Exit Driveway Width

25-28.8b

Maximum Disturbance of Steep Slopes

Specific Applications:

Site Plan/Amended Site Plan Approvals with “D” and “C” Bulk Variances

Youssef, Inc., seeking “d” and “c” variances to permit the construction of a convenience store and other changes to the site plan.

CLPF – Essex Green, LLC c/o Clarion Partners, seeking “d” and “c” variances for the expansion and renovation of an existing shopping center.

B’Nai Shalom, seeking use variance, “c” variance and amended site plan approvals to permit childcare center in an existing synagogue

555 Northfield Avenue, LLC, seeking “d” variance for building height and “c” variances to construct a luxury apartment complex and daycare center.

Morris Union Holdings, LLC, seeking a “d” use variance and “c” variances for parking spaces to construct a surgery center on the premises of 347 Mt. Pleasant Avenue.

New Cingular Wireless, PCS, LLC, seeking a “d” variance to expand an existing non-conforming use and a “c” variance for lot coverage to modify a telecommunication facility.

Approved “C” Bulk Variances

Marsella, seeking “c” variances for side and rear yard setbacks for a new deck and covered porch.

Davlouros, seeking variance approvals for two lots that were previously subdivided.

Ward, seeking a “c” variance for the side yard setback to build a sunroom in place of an existing deck.

Carter, seeking a “c” variance for a front and side yard to replace an existing front porch.

Withdrawn Applications

Rosario, seeking “c” variances for additions to an existing house and construction of a pool, deck and patio in the rear of the house.

Gross, seeking two (2) “c” variances for the rear and side setback to construct a pool house and a garage to their existing house.

Montclair Golf Club, seeking “d” and “c” variances to construct a two (2) story addition for storage and a two (2) story addition for employee living quarters.

Litigation

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

Recommendations for Amendments or Revisions to the Zoning Ordinance

The Zoning Board of Adjustment recommends the following for consideration for potential revisions to the Zoning Ordinance:

- Permit *drive-through windows* as a customary accessory use for banks, fast food and pharmacies, while providing standards regulating the use. This recommendation was included in the Township’s recently adopted 2019 Master Plan Update.
- Adjust *minimum parking space requirements for mixed-use developments* to ensure that adequate parking is provided for all uses.
- Consider relaxing the *maximum building height requirements* for retail, office and larger multifamily residential developments (e.g. 20 or more dwelling units).
- Modify regulations for *accessible ramps to single- and two-family houses* (e.g. provide standards such as setbacks and length). This recommendation was included in the Township’s recently adopted 2019 Master Plan Update.

Adopted: February 20, 2020