



TOWNSHIP OF WEST ORANGE

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

Department of Planning and Development

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Mayor

Building and Remodeling in West Orange

A User's Guide to the Regulations

INTRODUCTION

No matter what type of work you are planning to do on your West Orange home or business – from installing a new electrical circuit to building a new garage – you will probably need the permission of the Township to proceed. This document is designed to help you understand the approvals you need to do the work you have in mind, and how to go about getting those approvals.

Why does West Orange need all these rules and regulations? They exist to make sure all structures in the Township remain safe, to make sure the work has been done competently, to comply with state building, fire, electrical, and plumbing codes, to manage the township's growth in accordance with a Master Plan, and to protect and enhance the character of each of our neighborhoods.

There are several types of approval you may need. All changes to your property except those defined as "ordinary repairs" (see page 3) require a permit from the Building Department and a subsequent inspection. You may also need zoning variances (permission to go counter to land use regulations) from the Planning and Zoning Boards, which approve all construction larger than a two-family house and grant permission for most changes to commercial properties. For projects that require major site plan approval, you will also have to submit a site plan to the Site Plan Review Advisory Board (review with a special committee to assist the Planning Board, the Zoning Board and site plan applicant).

In addition, all exterior changes to residential or commercial properties in the Special Improvement District must be reviewed by the Downtown West Orange Alliance, which has been assigned the task of making sure that any changes enhance and improve the appearance of your downtown. Finally, if your property is a designated landmark or is located in a designated historic district, you may need to seek the approval of the Historic Preservation Commission. The various Boards and Commissions are discussed in the "Procedures" sections of this document.

This document is divided into ten sections representing the types of work that require Township approval, and their review:

1. New Construction;
2. Landscape Elements;
3. Additions to Existing Homes and Businesses;
4. Changing the Use;
5. Exterior Remodeling and Renovation;
6. Changes in Ownership or Tenants;
7. Interior Remodeling and Renovation;
8. Signs;
9. Commonly Asked Questions;
10. Procedures (Various Boards).

NEW CONSTRUCTION

If you are starting a new building from scratch, such as a house, store, garage, or storage building, you should do the following:

1. Determine what zone your property is located, and whether your proposed use is permitted to that zone. The zone will also determine specific things such as minimum lot size, minimum setback, and maximum building size. You will need to know these things before you get very far along with your plans. A zoning map is posted in the Planning Department Office. If you need assistance in determining your zone, the Zoning Officer can help you.
2. If you discover that some aspect of your plans does not comply with the requirements of your zone, you will have to either change your plans or apply to the Zoning Board or Planning Board for a variance, or exception, from the requirements. The Zoning Official will be able to tell you whether this is necessary.
3. Certain areas of West Orange have been designated as the Special Improvement District, Historic Districts or Historic Landmarks. If your property is located in one of these areas, a review of the exterior appearance of your project is required.

ADDITIONS TO EXISTING HOMES AND BUSINESS

Generally, all the requirements for New Construction will also apply to additions, whether you add a whole wing or just a deck to your house or building.

If you are adding onto an existing structure, you will be changing the square footage, setbacks, or overall dimensions, and you will have to find out whether you comply with the requirements of your zone.

EXTERIOR REMODELING AND RENOVATION

The kinds of approvals required for this type of project will vary, depending on just what you plan to do.

The following activities are “ordinary repairs,” and do not require permits or approvals:

- Glass replacement (same size and type);

- Replacing less than 25% of existing roofing or siding with same material;
- Replacing gutters or leaders;
- Replacing screens.

In the Special Improvement District, designated Historic Districts and Historic Landmarks, some activities that in other areas of the Township considered “ordinary repairs” will have to be reviewed:

- Painting exterior surfaces;
- Window or door replacement in existing openings;
- Removing or replacing non-structural members such as decorative trim or railings.

Most other changes, regardless of where your property is located, will need permits and approvals. These include such activities as creating new openings, enclosing porches, covering or replacing existing siding with other materials, adding awnings, or installing a whole roof. You should contact the Building Department to determine if a permit or approval is required.

INTERIOR MODELING AND RENNOVATION

As with exterior remodeling, there are interior projects that will not require a building permit because they are considered “ordinary repairs”. They include:

- Installing or replacing wallpaper, plaster, or drywall on an existing wall in a one-family or two-family house. (However, paneling will require a permit);
- Repairing or replacing trim or moldings;
- Installing or replacing flooring materials except carpeting. (However, carpeting is an ordinary repair in a one-family or two-family house.);
- Installing roll or bat insulation adjacent to an interior finish;
- Repairing the working parts of a plumbing fixture, faucet, or clearing a drain;
- Replacing an existing electrical receptacle or lighting fixture;
- Replacing smoke detectors;
- Repairing furnaces, air conditioners and ducts.

For other activities, you should check with the Building Department to determine if permits are required.

SIGNS

All signs require permits for approvals.

The requirement for the size, type, and design of a sign vary from zone to zone. Therefore, if you are planning on installing a new sign or changing an existing one, you must first check with the Zoning Official to verify the zone of your property. This will determine the type of sign you may install.

If your business is located in the Special Improvement District, a designated Historic District or a Historic Landmark, the sign’s design will need to be reviewed as well.

LANDSCAPE ELEMENTS

Such things as new fences, driveways, parking lots, walkways, and some tree work will require a permit. As with signs, the requirements vary, depending on what zone your

property is located. You should contact the Zoning Official to determine which requirements apply to your property.

Again, these items may require additional review if your property is in the Special Improvement District, a designated Historic District or a Historic Landmark.

CHANGING THE USE

Changing the use of a building or property often requires the approval of the Zoning Board, in addition to any building permits required for modifying the building. For instance, if you wish to convert a single-family house to apartments, you will have to check to determine if the additional units are permitted in your zone; if not, you will need to seek a use variance before you make the conversion. Similarly, if you want to change the use of a building to something other than its previous use, you will need to get the necessary permits and approvals.

Contact the Zoning Official to determine the permitted uses in your zone, and if additional requirements will be necessary (such as adding some parking spaces).

CHANGES IN OWNERSHIP OR TENANTS

For some properties, if there is a change in ownership, or if a new tenant moves into a rental property, a Certificate of Continued Occupancy will need to be obtained from the Building Department. An inspection will be necessary before the Certificate can be issued, to examine the safety and habitability of the property. This applies to dwellings with three or more units, and for all properties in the Special Improvement District.

Contact the Building Department for further information.

COMMONLY ASKED QUESTIONS

What happens if I start the work without a permit?

The Construction Official will place a “Stop Work Order” on the work, and you will be fined. If the work does not comply with requirements of the building codes or any other boards whose approval is required, you may have to disassemble the work you completed and return the property to the way it was before you started. Obviously, it is best to obtain all permits and approvals before starting work.

How many layers of roofing can I have on my house or building?

Two layers are the maximum permitted. If you have two roofs and you want to install a new one, you will need to remove at least one, and perhaps all older layers before you start.

Are there regulations on fences?

Yes. Check with the Zoning Official for information on the size, location, and materials that are permitted for fences in your area.

The sidewalk in front of my property is in poor condition. Who is responsible for repairing or replacing it?

Property owners are responsible for repairing sidewalks. You should contact the Engineering Department for information on permits: (973)325-4160.

Are permits required for tree removal?

Yes, permits are required for cutting or removing any tree, with the exception of nurseries, garden centers, orchards, and properties of half an acre or less that contain a residence. Contact the Township Forester for more information: John Linson (973)325-4015.

How long does it take to get a building permit?

If all the information in your application is complete, the Building Department has up to twenty (20) working days to issue your permit. Usually the permit process takes only a few days, but more time may be necessary to allow the inspectors to visit the property.

Should I hire a lawyer to assist me in obtaining the approvals I need?

If your application must go before the Zoning or Planning Board, you may want to hire a lawyer to help you. For simpler projects, the Planning Department will assist you.

When should I hire an Architect or Engineer?

If the project is for a single-family house that is for your own residence, you do not have to hire an architect, although it is a good idea. All other projects, whether for a two-family residence or a residence for someone else, or for a business, require the use of an architect or engineer, to ensure that the project will be executed safely and in accordance with established standards.

Can I appeal the decision of a board, commission, or official that reviews my project?

All decisions may be appealed within a certain period. If you are considering making an appeal, you should immediately contact the Planning Department to learn which deadlines and procedures apply to your project.

After I receive my permits, what do I do?

You may proceed with the project, but inspections may be required at various stages of construction- such as during construction of the foundations, rough- in on mechanical systems, or at the completion of the project- to insure that safe standards are being followed. The inspectors will inform you when inspections are required during the course of the project. Projects must commence within one year of the date of the permit, and must not be interrupted for more than 6 months.

PROCEDURES: PLANNING AND ZONING BOARD

If it has been determined that your project must go before the Zoning Board of Adjustment or Planning Board, you will need to submit a completed application, plus several additional items, depending on the nature of your project. Since the requirements vary from project to project, it is recommended you obtain a copy of the Zoning Ordinances, which outlines in detail what you will have to submit. A copy of the ordinance is \$20.00 and can be purchased from the Planning Department in Township Hall or downloaded from the Township's website. However, here are some general guidelines to give you an idea of the kinds of information that may be required.

- General information on your project, such as the name and address of the owner, location, size of lot, and zone;
- A recent survey of the property, sealed by a licensed professional. The survey must be less than 5 years old;
- For new construction or additions, plans and elevations drawn to scale;
- For large or complex projects, a traffic survey and environmental survey;

- A list of the variances that are needed and are being requested;
- A certified list of all property owners within 200 feet of the property for notification purposes;
- Certification from the Tax Collector that your tax payments are current;
- A legal notice in the local newspaper ten days before the Board reviews your project;
- Fees of \$75 dollars or more, depending on what variances are required;
- Twenty sets of all information, for distribution to all Board members and appropriate officials (Fire, Police, Planning, Engineering Departments, Environmental Commissions, Historic Preservation Commission, and Downtown West Orange Alliance).

It is important for your application to be complete when submitted, with all the required materials included; otherwise your project will meet with delays.

For a major site plan, the Site Plan Review Advisory Board, comprised of the Director of Planning, Township Engineer, Planning Board member, Zoning Board of Adjustment member, Zoning Official, Construction Official and representatives of the various Township departments, will hold a preliminary meeting prior to the public meeting, to identify any additional information that is needed, or any special problems. This spares the applicant the time and expense of going through a publicly advertised meeting, only to learn that there are additional items that must be addressed.

After an application is deemed complete, your application will be heard at a public meeting before the Planning Board or Zoning Board of Adjustment. (Application review can take up to 45 days but usually less – the time it takes for the project review can vary from 45 days to 120 days or more, depending on the type of project and the variances requested.)

Once the Planning or Zoning Board has made a decision, the decision must be memorialized in a Resolution written by the Board Attorney, and the Board must approve the Resolution. The appropriate officials must also sign final site plans and subdivision maps before the building permits can be issued. Approvals must be acted upon with certain time limits, or they will expire.

SPECIAL IMPROVEMENT DISTRICT (MAIN STREET) REVIEW

The purpose of design review within West Orange’s downtown area is to improve the image of this area, by improving the quality of design in the projects and improvements that are initiated. It has been shown in hundreds of towns across the nation that this type of design review can improve not only the appearance and attractiveness of downtown, but ultimately increase business as well as property values. Although it takes time to see results, West Orange is striving, through a comprehensive program of incentives, training, and design review, to raise standards and bring about positive change in our downtown area.

If your project involves any exterior work and your property is located within the Special Improvement District (SID) boundaries, the project must be reviewed by the Downtown West Orange Alliance (DWOA). These boundaries encompass an area that includes both sides of Main Street and Valley Road, extending roughly from Freeman Street at the south end to Lourdes Church at the north end. Also included are properties on Washington Street and Harrison Street, and properties located between Main Street and the Orange border south of Washington Street. Since the boundaries are so irregular, you should check with the Planning Department or Building Department if your property is anywhere in this vicinity.

Whenever you apply for a Building Permit or file an application with the Zoning Board or Planning Board, that involves exterior work within the SID, your application is automatically submitted to the DWOA, and the review process is initiated. *It is highly recommended, however, that you consult with the DWOA in the early planning stages of your project, before you finalize your plans or sign any contracts.* They may also be able to make suggestions that will improve the results of your project, and introduce you to programs that may provide you with some assistance. By working together with the DWOA, you can help to assure that your project will be approved without difficulty, and that it will meet a high standard quality.

PROCEDURES: DESIGNATED HISTORICAL DISTRICT AND LANDMARK REVIEW

An ordinance was passed creating a Historic Preservation Commission for West Orange. The Commission is responsible for identifying and designating Historic Districts and Landmarks for the Township. Any exterior work involving properties designated as Landmarks, and any properties located within designated historic districts, is subject to review by the Commission. The purpose of the designation and review procedures is to protect historic resources, which give the Township its unique character. This not only benefits today's citizens, who can enjoy these visible reminders of our heritage, but ensures that future generations will also be able to enjoy them.

Any work that will affect the exterior of a property in a Historic District, or an individually designated Landmark, must be submitted to the Historic Preservation Commission for review. The applicant must provide current photographs of the property, historic photographs if available, a written description of the work proposed, specifications for any materials that will be used, and architectural drawings if applicable. The applicant will be notified within fifteen (15) days if further information is needed.

**Township of West Orange
Department of Planning & Development
66 Main Street, Room 217
West Orange, New Jersey 07052**

If you have any questions, call the appropriate number below or stop in. Office hours are from 8:30 A.M -4:30 P.M. The Building Inspectors and Zoning Official have varied hours, so it is recommended that if you must speak to one of them, you should call first.

Building Department Technical Assistant: 973-325-4112
Construction Official: 973-325-4114
Downtown West Orange Alliance: 973-325-4109
Electrical Inspector: 973-325-4117
Fire Inspector: 973-325-4220
Planning & Development Administration: 973-325-4110
Planning Board Secretary: 973-325-4111
Plumbing Inspector: 973-325-4112
Property Maintenance Inspector: 973-325-4115
Zoning Board Secretary: 973-325-4108
Zoning Official: 973-325-4119

Although this document is designed to provide accurate information, laws, and regulations are constantly subject to change. Additionally, this document is meant only as a general, introductory guide, and cannot provide the kind of in-depth information that your project may require. Applicants should contact the Department of Planning and Development to learn the latest information, and may need to engage a lawyer, architect, engineer, or other professional to assist in the approval process.