

TOWNSHIP OF WEST ORANGE APPLICATION FORM FOR THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

A. APPLICANT INFORMATION

Full Legal Name: 172-174 Main Street LLC
(Last) (First)

Mailing Address: c/o Cox RE Holdings, 105 Main Street, Unit 1B West Orange, NJ 07052

Telephone Number: (973) 518-0109

Email: maurice@coxreholdings.com

Is the Applicant an: Individual, ☐ Corporation, ☐ Partnership, ☐ Other limited liability company

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached.

Relationship of the applicant to the property: ☒ Owner, ☐ Tenant or Lessee, ☐ Purchaser under contract

(with consent of owner, ☐ Other (please specify) _____)

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☒ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: _____

Address: _____

Telephone Number: (____) _____ Email: _____

C. PROPERTY INFORMATION

Street Address: 172-174 Main Street

Block Number: 89 Lot Number: 6

Tax Plate: _____; Zone of Property: B-1

The location of the property is at the intersection of Main Street and Alden Street (closest intersection)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?

☐ Yes, Date(s): ☒ No If yes, please attach copies of the written decisions adopted by the Board to each application.

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☒ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☐ Variance "C1" Reason: ☐ shape of property; ☐ physical features; ☐ exceptional situation.
- 4) ☐ Variance "C2".
- 5) ☐ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☐ Site Plan: ☐ preliminary; ☐ final; ☒ preliminary and final; ☒ with variances; ☐ without variances.
- 9) ☐ Amended Site Plan.
- 10) ☒ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit.

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list.

Section 25.7.1 – Maximum height/stories. The Applicant requests a variance to permit a three-story building whereas the ordinance permits a maximum of 2.5 stories in the B-1 Zone.

E. DESCRIPTION OF PROPERTY

Existing Use of the Property: The property is currently vacant

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)

The Applicant proposes to construct a third-floor addition to the existing two-story building and convert the building to a mixed-use development which is a permitted conditional use in the B-1 Zone District. The proposed site plan complies with all of the conditional use requirements set forth in Section 25:24.2b2(m) of the Land Use Regulations. The first floor of the renovated building will contain approximately 2,824 square feet of office space and the upper floors will contain seven residential apartments. Twenty-six on-site parking spaces will be provided.

The property is 15,159 square feet .35 (acres)

Impervious Surface Coverage: Present: 12,765 sq. feet (84.2%) Proposed: 12,765 sq. feet (84.2%)

Building Coverage: Present: 3,229 sq. feet (21.3%) Proposed: 3,229 sq feet 21.3%

Is the property located:

Within 200 feet of another municipality?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Adjacent to an existing or proposed county road?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Adjacent to other county land?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Adjacent to a state highway?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY: Alan G. Trembulak, Esq.

Telephone Number: (973) 746-7500 Email: atrembulak@montclairlaw.com

Address: 363 Bloomfield Avenue, Montclair, New Jersey 07042

APPLICANT'S ENGINEER/SURVEYOR: None.

Telephone Number: _____ Email: _____

Address: _____

APPLICANT'S ARCHITECT: Jason Peist Architect, LLC

Telephone Number: 732-379-0743 Email: info@jasonpeist.com

Address: 171 Broad Street, Matawan, New Jersey 07747

APPLICANT'S PLANNER: John McDonough, P.P.

Telephone Number: (973) 222-6111 Email: jmcdonoughpp@gmail.com

Address: 101 Gibraltar Drive, Morris Plains, New Jersey 07950

OTHER EXPERT(S):

None

Telephone Number: () _____ Email: _____

Address: _____

If necessary, please list any additional experts below, including address, telephone number and email address.

G. REQUIREMENTS FOR VARIANCES

4A) Please attach a written statement labeled “**PROPOSAL**”, describe the major elements of your proposal, and describe in detail the physical and use changes proposed.

4B) Please attach a written statement labeled “**REASONS FOR RELIEF**”, which fully answers **4C-1**, **4C-2** or **4D** (Special Reasons) **AND** part **4E** (Negative Criteria).

4C-1) (*For C1 variances only*) The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.

(*For C2 variances only*) State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.

4D)

4E) (*For D variances only*) State the special reasons under *N.J.S.A 40:55D-70d* affecting this property.

The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION
Site Plan and Architectural Plans	Jason Peist, , AIA	June 26, 2024

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

J. VERIFICATION AND AUTHORIZATION

SIGNATURE IS REQUIRED FOR ALL OF THE FOLLOWING:

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

172-174 Main Street LLC

Applicant's Signature: By: _____ Date: July 8, 2024
Maurice Cox, Managing Member

CONTINUANCE

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statue time limit, the applicant grants permission for such an extension.

172-174 Main Street LLC

Applicant's Signature: By: _____ Date: July 8, 2024
Maurice Cox, Managing Member

OWNER'S AUTHORIZATION – MUST BE SIGNED

I hereby certify that I reside at _____ maintain
in the County of _____ and the State of _____;
and that is the owner of all that certain lot, piece or parcel of land known as Block(s) ____ Lot(s) _____
on the Tax Map of _____ which property is the subject of the above application, and that said application
is hereby authorized by me. Furthermore, I authorize inspection of the site which is the subject of this application.

Owner's Signature _____ Date: _____

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.

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is hereby authorized by me. Furthermore, I authorize inspection of the site which is the subject of this application.

Owner's Signature MAC Date: 7/8/24

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MRLG

MONTCLAIR REAL ESTATE
LAW GROUP

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PROPOSAL

The Applicant proposes to construct a third-floor addition to the existing two-story building and convert the building to a mixed-use development which is a permitted conditional use in the B-1 Zone District. The site plan complies with all of the conditional use requirements set forth in Section 25:24.2b2(m) of the Land Use Regulations. The first floor of the renovated building will contain approximately 2,824 square feet of office space and the upper floors will contain seven residential apartments. Twenty-six on-site parking spaces will be provided.

In addition to conditional use approval and preliminary and final site plan approval, the Applicant also requests a variance from Section 25-7.1 of the Zoning Ordinance to permit a three-story building whereas a maximum of 2.5 stories is permitted in the B-1 Zone.

REASONS FOR RELIEF

The requested variance is justified under the criteria set forth in N.J.S.A. 40:55D-70c(2) in that granting the variance will advance the purposes of the Municipal Land Use Law by encouraging the appropriate use of land which promotes the public health, safety, morals and general welfare (-2a); by providing adequate light, air and open space (-2c); and by providing sufficient space in an appropriate location for the mixed-use development. Although the proposed building exceeds the permitted number of stories, the building height complies with the 35-foot maximum height requirement.

In view of other uses in the vicinity of the property with more than 2.5 stories, the variance can be granted without substantial detriment to neighboring properties and without substantially impairing the intent and purpose of the West Orange Land Use Regulations or Master Plan.