



MEMORANDUM

TO: Township of West Orange Planning Board

FR: Gerard M. Haizel, PP, AICP, Principal

RE: PB-24-14 – 172-174 Main Street
Block 89, Lots 6

DT: September 24, 2024

The following is prepared on behalf of the West Orange Planning Board. The information is for advisory purposes only and is intended to assist the Board's decision-making process. Below are descriptions of the projects based on the supplied plans and documentation as well as commentary on issues evident from them.

Items Reviewed

In preparation of this report, I have reviewed the following items:

- ✓ Township of West Orange Application form for the Planning or Zoning Board of Adjustment, dated July 8, 2024.
- ✓ Township of West Orange Buffer Report for 172-174 Main Street, Block 89, Lot 6, created 7-16-2024.
- ✓ Plans titled Change of Use – Add A Level, 172-174 Main Street, Block 89, Lot 6, Essex County, consisting of seventeen (17) sheets, dated 4-10-2024, prepared by Jason Peist, AIA of Jason Peist Architect, LLC.
- ✓ Survey of Land situated in the Township of West Orange, Block 89, Lot 6, Essex County, New Jersey, consisting of one (1) sheet, dated 3-13-1989, prepared by Kenneth R. Carlisle, PLS of N.E.Breid, Inc.

Project Summary

On property located in the ***B-1 (Retail Business) District***, the applicant, ***172-174 Main Street, LLC***, proposes to construct a 3rd floor addition to an existing 2-story building and



convert the building to a mixed-use building. The proposed mixed-use building will contain 2,824-SF of office space on the 1st floor, which will be sub-divided into two (2) tenant spaces, and a total of seven (7) residential units on the 2nd and 3rd floors. Twenty-six (26) on-site existing parking spaces will also be provided. Mixed-use development **is permitted as a conditional use** in the B-1 District. This means that the proposed development must meet specific conditions in order to be permitted in the zone. The applicant meets all the conditional use requirement for this use. **As such, the planning board has jurisdiction to hear this application.** The applicant is also seeking site plan approval.

Required Variance Relief

- Building Height – Pursuant to the Township of West Orange Zoning Ordinance **§25-7.1, Part B**, for the B-1 District, a maximum height of 2 1/2 Stories and not exceeding 35-Feet required, and the applicant proposes 3 stories with a height of 34.6-feet. **A C-variance is required to permit a greater number of stories than required.**
- Rear Yard Setback – Pursuant to the Township of West Orange Zoning Ordinance **§25-7.1, Part B**, a minimum rear yard setback of 30-feet is required, and the applicant proposes a rear yard setback of 6.54-feet. **A C-variance is required to permit a lesser rear yard setback than required. (This is an existing Nonconforming Condition).**
- Lot Coverage – Pursuant to the Township of West Orange Zoning Ordinance **§25-7.1, Part B**, a maximum lot coverage of 75% is permitted, and the applicant proposes a lot coverage of 84.2%. **A C-variance is required to permit a greater lot coverage than permitted. (This is an existing Nonconforming Condition).**

Project Description

The subject site is a 15,158-square-foot (0.348-acre) lot located on the western side of Main Street, between Edisonia Terrace and Park Way. The site is improved with a two-story, commercial building that currently appears to be vacant.

The existing building is setback 125.7-feet from the eastern (front) property line on Main Street, 6.54-feet from the rear property line and 11.4-feet and 8.6-feet from the northern and southern side property lines respectively. No changes to the footprint of the existing building are proposed as part of this application.



The front yard of the building is currently paved and striped with parking stalls. Plans show parking stalls arranged into two (2) rows along the northern and southern sides of the front yard, with 13-stalls on each side, including two (2) ADA-compliant stalls on the northern side.

There is a gradual decrease in grade from the rear to the front of the site. To accommodate this change in grade, there is an existing paved area around the front and side perimeter of the building. This paved area is supported by a retaining wall along the front elevation of the building and is enclosed by a metal railing. There are also steps located on the walkway on the northern and southern sides to facilitate the change in grade.

The applicant proposes to gut the existing interior of the building, removing all non-load-bearing elements, including doors, bathrooms, lights, and finishes, down to the substrate, from the 1st and 2nd floors. A new 3,229-SF 3rd floor will also be constructed.

The 1st floor will be subdivided into two separate office spaces, each with separate entrances. The proposed office space to the south, space #1, will encompass 1,436-SF while space #2 on the northern side will encompass 1,388-SF. Each office space will have a separate entry on the front façade. Additionally, office space #1 will have two doors that will, access the southern side yard and office space #2 will have an additional door at the rear that will access the northern side yard.

The entry to the residential units on the 2nd and 3rd floors will be accessible from the existing staircase located on the 1st floor at the center of the front elevation. This existing staircase will be extended up to the new 3rd floor. There are three (3) apartments proposed on the 2nd floor, including two (2) two-bedroom apartments, measuring 1,034 and 1,100-SF and a studio, which will measure 600-SF. Four (4) apartments are proposed on the 3rd floor, including two (2) one-bedrooms, each measuring 800-SF and 850-SF and two (2) studios, measuring 600-SF and 650-SF.

Exterior

The exterior elevations will be finished with a combination of stone veneer, stucco and wood siding on all sides. The existing windows will be replaced with egress casement windows.

Landscaping

No landscaping is proposed on the site.

Lighting

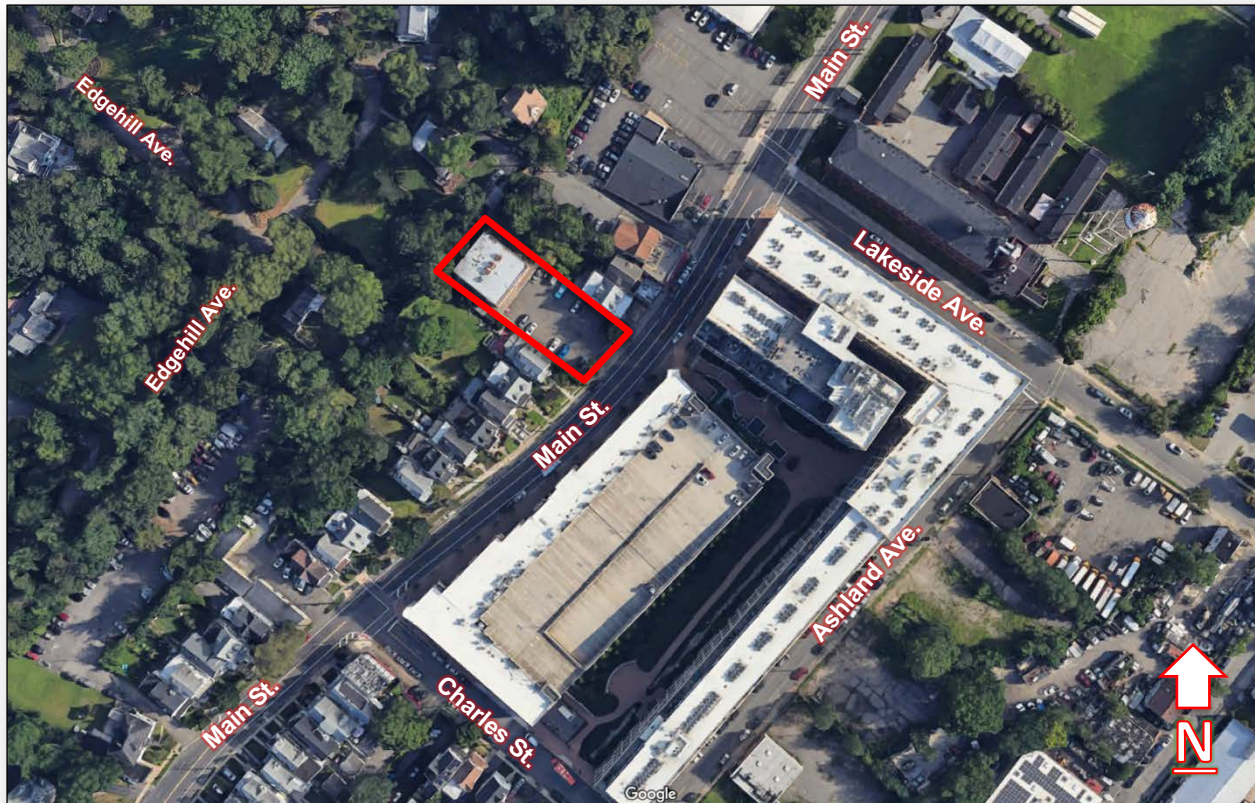
Lighting plans are not provided.



Site & Area Description

Street Address: 172-174 Main Street
Block & Lot: Block 89, Lot 6
Zoning District: B-1 – Retail Business District
Total Site Area: 15,159-SF

Location Map



Location Map – The property in question is outlined in red on the Google aerial map above. The subject site is located on the western side of Main Street between Park Way and Edisonia Terrace. To the south of the site are a row of detached dwellings fronting on the western side of Main Street. To the north are two (2) detached dwellings, a commercial building and an auto body establishment, all fronting on the western side of Main Street. To the east, across Main Street from the subject site is the Edison Lofts mixed-use development.



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Photo Survey



Photo 1: View of subject property located at 172-174 Main Street. The building pictured here will be improved with a third story addition and will be converted as a mixed-use building with offices on the 1st floor and residential above.



Photo 2: View of the subject site showing the deteriorated condition of the asphalt pavement in the parking area and the chain-link fence and gate.



Photo 3: View of the properties located to the south, fronting on the western side of Main Street.



Photo 4: View of properties located to the immediate north of the subject site, fronting on the western side of Main Street.



Photo 5: View of the Edison Lofts, mixed-use mid-rise building located to the east, across Main Street from the subject site.

Planning Considerations

The subject site is located within the **B-1 (Retail Business) District**. Pursuant to the Township of West Orange Zoning Ordinance **§25-24.2.(b)(2)(m)**, a mixed-use development may be permitted as a conditional use in a B-1 and B-2 District subject to the following conditions:

- (1) Permitted uses on the ground floor of a mixed-use development shall include the following permitted uses in the B-1 and B-2 Districts: retail store, personal service store or studio, office, business or vocational school, restaurant, bar, massage, bodywork or somatic therapy establishment, and fitness center/health club.
- (2) One or more dwelling units shall be permitted on the upper floor(s) above any of the permitted ground floor uses in §25-24.2b2(m)(1).
- (3) Access to upper floor uses shall be provided by means of a separate entrance than provided for ground floor uses.
- (4) Minimum lot area shall be 5,000 square feet, and the minimum street frontage of such lot shall be 50 feet.

Pursuant to the Township of West Orange Zoning Ordinance **§25-24.2.(b)(2)(m)**, the proposed mixed-use development **is permitted as a conditional use** in the B-1 District. **The proposed development meets all the conditional use requirements.**

The chart below has been created to identify bulk deficiencies.



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Required Standard	Permitted	Proposed	Deviation Required
Min. Lot Area	No Minimum	15,159-SF	No
Max. Building Height (Stories / Feet)	2.5-Stories / 35-Feet	3-Stories / 34.5-Feet	Yes
Min. Front Yard Setback	None Required	125.7-Feet	No
Min. Side Yard Setback	None or 6-Feet	North Side: 11.4-Feet South Side: 8.6-Feet	No No
Min Rear Yard Setback	30-Feet	6.54-Feet	Yes*
Max. Building Coverage	60%	21.3% (3,229-SF)	No
Max. Lot Coverage	75%	84.2% (12,765)	Yes*
Parking	25-Spaces <u>Office Use:</u> 1-Spc. Per 250-SF of GFA (2,824 / 250 = 12-Spcs.) <u>Residential Use:</u> 1BR/Studios – 1.8-Spcs. Per Unit (1.8 x 5-Units = 9-Spcs.) 2BR – 2-Spcs. Per Unit (2-Spcs. x 2-Units = 4-Spcs.)	26-Spaces	No

Note: * - Existing Nonconforming Condition



Standards for Granting Variance Relief

C - (Bulk) Variances

The Municipal Land Use Law (MLUL) at **N.J.S.A. 40:55D-70c** sets forth the standards for variances from the bulk regulations of a zoning ordinance.

C(1) Variance - The Board must find that there is either undue hardship or practical hardship with the strict application of the zoning requirements as stipulated in the Zoning & Land Use Regulations, as a result of:

exceptional narrowness, shallowness or shape of a specific property, or
by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or
by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

C(2) Variance – The Board must find that the proposed deviation from the Zoning & Land Use Regulations will advance the purposes of the MLUL and that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment, and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The benefits identified in granting a C(2) variance must include benefits to the community as a whole, not only the applicant of the property owner. Here too, the Board must be satisfied 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 City.

Planning Comments

The applicant proposes to construct a 3rd floor addition to an existing 2-story building and convert the building to a mixed-use building. Mixed-use development **is permitted as a conditional use** in the B-1 District. This means that the proposed development must meet specific conditions in order to be permitted in the zone. **In this instance, the proposed development meets all the conditional use requirement for this use.** However, the proposed development does not meet all the required bulk and design standards governing development in the B-1 District.

Specifically, the proposed development does not meet the following bulk standards, related to the structure on the site.

- Excessive Building Height (Number of Floors) – Whereas a maximum of 2½-stories and 35-feet are permitted in the B-1 District, the applicant proposes a height of 3-stories and 34.5-feet. **While the number of floors exceeds the maximum permitted**



by a 1/2-story, the linear height remains less than the maximum permitted. In my opinion, the proposed 1/2-story deviation from the standard will not have a significant adverse impact on the surrounding area nor on the integrity of the B-1 District.

- Insufficient Rear Yard Setback – Whereas a minimum rear yard setback of 30-feet is required, the applicant proposes a rear yard setback of 6.54-feet. As indicate earlier, **this is an existing nonconforming condition, which currently exists on the subject site and would in all likeliness continue to exist whether the proposed development was undertaken or not. Further, the applicant does not propose any change to the existing footprint of the building as part of this application, as such, this condition will not be exacerbated in any way by the proposed development.**
- Excessive Lot Coverage – Whereas a maximum lot coverage of 75% is permitted, the applicant proposes a lot coverage of 84.2%. **This too is an existing nonconforming condition, which is brought about in large part by the existing asphalt-paved parking area in the front yard of the site. This area covers a substantial part of the site beyond the building itself.**

It is not apparent whether or not the applicant proposes any work or modification to the parking area, however, it is in need of maintenance and repair. To that end the applicant should repair and restripe the parking area.

Additionally, the subject site is now enclosed by a chain-link fence across the street frontage, and a rolling gate across the entry driveway to the parking area. **This fence and gate both appear to be in a deteriorated condition. As such the applicant should replace both with a more substantial alternative such as one comprised of tubular steel or similar material.**

There is also an existing trench drain across the front of the site which is imperative to capture the runoff from the parking area. **The applicant should provide testimony confirming that this drain remains operational and free of any obstruction that would impede its flow.**

Finally, the applicant has not provided any information on the existing exterior lighting on the site, nor has any new lighting been proposed. With the change of use to a mixed-use, which will now contain residential, **the applicant should provide information on the exterior lighting on the site and demonstrate that there is adequate lighting on the walkway surrounding the building as well as in the parking area, to allow for safe use during both day and night hours.**



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Recommended Conditions of Approval

Should the Board be inclined to grant the requested variance relief in full or in part, or to approve the accompanying site plan, the following are recommended conditions that should be placed on the approvals.

1. The applicant shall comply with all conditions provided by the Board Engineer.
2. The applicant shall repair and restripe the parking area.
3. The applicant shall replace the existing chain-link fence and gate with a more substantial alternative such as one comprised of tubular steel or similar material.
4. The applicant shall provide testimony confirming that the trench drain across the front of the site remains operational and free of any obstruction that would impede its flow.
5. The applicant shall provide information on the exterior lighting on the site and demonstrate that there is adequate lighting on the walkway surrounding the building as well as in the parking area, to allow for safe use during both day and night hours.