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60 Union Street, #1N, Newark NJ 07105

Completeness Review #1

Date: August 1, 2019

To: South Orange Board of Adjustment

From: Greer Patras, AICP, PP, Board Planner

Applicant: BH Landmark, LLC,
24 W. Railroad Avenue, #410, Tenafly, NJ 07670

Owners: Effraim Herskovic and Alan Baller

Attorney: Sean R. McGowan of Bertone Piccini, LLP
777 Terrace Avenue, # 201, Hasbrouck Heights, NJ 07604

**Subject: Application #1037
309 South Orange Avenue (Block 1009, Lot 32)
Use Variance Application**

The purpose of this report is to provide the Board with guidance as to the completeness of Application #1037 submitted by BH Landmark, LLC. The property is currently vacant. When last occupied, a dentist's office used the first floor and a residential apartment used the second and third floors. The Applicant proposes to convert the property into a two-family residential use, with a second residential unit replacing the office, which requires a "d(1)" use variance approval and potentially "c" bulk variances.

The following items were reviewed:

- A. **Cover Letter**, comprised of two (2) page, written by Sean R. McGowan, Esq., Bertone Piccini, LLC, dated June 20, 2019, filed June 24, 2019 and received July 18, 2019.
- B. **Completed Zoning Board Application Form and Submission Checklist**, signed by Applicant on June 20, 2019, filed June 24, 2019, and received July 18, 2019.
- C. **Cover Letter and List of Tax Lots and Property Owners Within 200-Foot Radius**, consisting of eight (8) pages, certified by Ellen Foye Malgieri, dated July 2, 2019, and received July 18, 2019.
- D. **Essex County Sheriff's Deed and Affidavit of Title for Lands**, dated May 30, 2019, filed on June 24, 2019, and received July 18, 2019.
- E. **Certificate of Paid Taxes**, signed by Aderonke Zaccheus on June 21, 2019, filed June 24, 2019, and received July 18, 2019.
- F. **Site Photographs**, comprised of eight (8) images, filed June 24, 2019, and received July 18, 2019.
- G. **Boundary Survey**, comprised of one (1) sheet, prepared and signed by Frederick C. Meola, P.E., P.L.S., FC Meola, LLC, dated June 19, 2019, and received July 18, 2019.
- H. **Proposed Floor Plan**, consisting of one (1) sheet, prepared by Alan Feld, AIA, dated May 4, 2019, filed June 24, 2019, and received July 18, 2019.

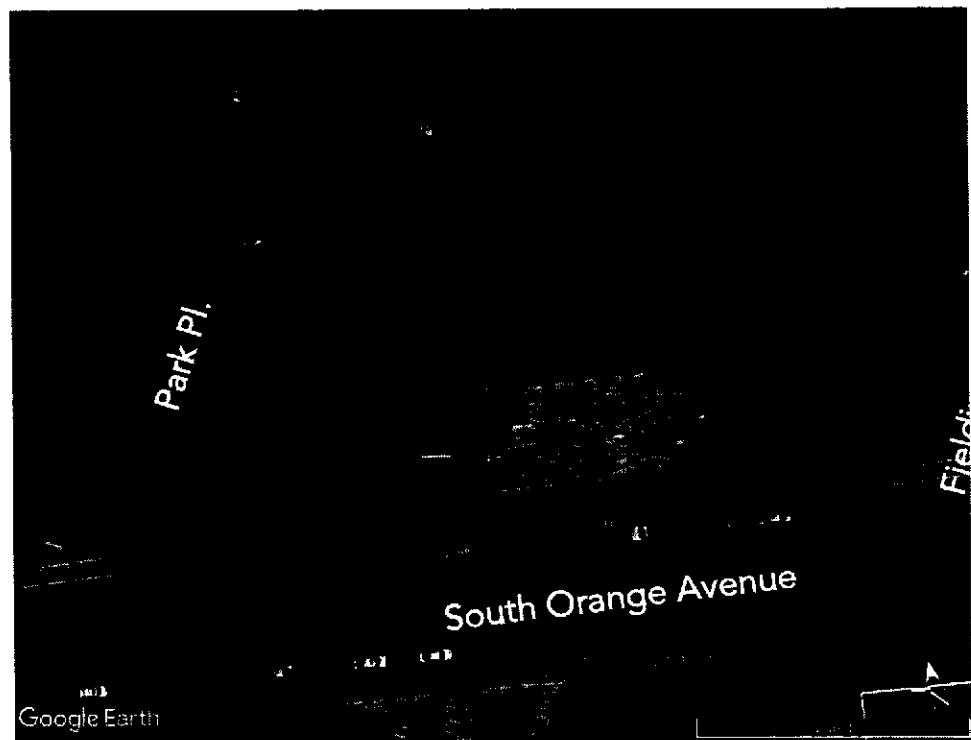
- I. **Receipt For and Copy of Escrow Payment**, dated June 20, 2019, filed June 24, 2019, and received July 18, 2019.

II. **SITE AND APPLICATION HISTORY**

- A. **Neighborhood Context:** The property is located at 309 South Orange Avenue. The properties on South Orange Avenue near the site are used for residential, commercial, and mixed-use purposes. Many of the properties are used for single-family, but some may be divided into multiple units. Two apartment buildings – Seton Court and Halsey Gardens – are also within a 200-foot radius of the property.

The property is within the Montrose Historic District, but is listed as a non-contributing property. According to the district inventory, the structure is believed to have been built around 1885, but has been altered so substantially as to have lost its historic integrity.

- B. **The Site:** The property itself is a lot of 0.131 acres (5,687 SF) occupied by a three-story structure. The rear of the lot is entirely paved and used for parking. A driveway occupies the eastern side of the lot, with an easement for the owner of Lot 31. A map is provided below for reference.



- C. **Zoning:** RA-60 (Residence A-60 Single-Family District)

- D. **Prior Applications and Site History:** When last occupied, the property was used by a dentist's office on the first floor and an apartment on the second and third floors. The history of variance applications are as follows:

- 1967: Proposal to convert the one-family home into office used solely by doctors. The application was denied.

- 1968: Proposal to convert the first floor into an office use by a detective agency and the second and third floors into a two-family residential use. The application was denied.
- 1970: Proposal to convert the first floor into a medical office with the second and third floors for a one-family residence. The application was approved.

III. PROPOSAL

The Applicant wishes to convert the first floor into a second residential unit. An apartment with a separate entrance already occupies the second and third floors of the building, and no changes are proposed to this unit. Neither unit will have access to the other, as is presently the case. The entrances to the individual units would remain the same.

No improvements to the exterior of the building or to the rear parking lot are shown on the plans.

IV. VARIANCE DISCUSSION

- A. **Use Variances:** Two-family residential is not a permitted use in the Residential A-60 Single Family zone. The Applicant, therefore, needs a "d(1)" use variance, per Section 185-162.
- B. **Bulk Variances:** The Applicant did not submit a bulk chart. A bulk chart should be provided to confirm the existing and proposed bulk conditions on their plans. Given this, it is possible that the Applicant will need to make additional requests for "c" bulk variance relief.

V. WAIVERS DISCUSSION

Submission Waivers have been requested by the Applicant. The Board may waive any or all submission requirements provided that it has adequate information at its disposal to ensure that the applicant has met all requirements for approval. Below is a list of waiver(s) requested followed by the Board Planner's recommendations for guidance:

- A. The Applicant has requested, and the Board Planner recommends the following Submission Waivers:
 1. **Item #11: County Application Form**
 2. **Item #12: Completed Essex County Health Department Application**
 3. **Item #13: Hudson-Essex-Passaic Soil Conservation District Application**
 4. **Item #14: New Jersey State Approvals**
 5. **Item #35: Existing Critical Environmental Areas – None on or near the property.**
 6. **Item #37: Existing Wells and Septic System – None exist**
 7. **Item #39: Developer's Agreement with the Village That Addresses Affordable Housing Requirements**
 8. **Item #47: Solid Waste and Recyclable Material**
- B. The Applicant has requested, and the Board Planner does not recommend the following Submission Waivers.
 1. **Item #10: Letter(s) signed by a responsible officer of the water company, sewer authority, or other utility – Should be provided.**

2. **Item #19: Traffic and Parking Impact Assessment** – Given scope of application, full impact assessment may not be necessary, but more information should be provided regarding the layout of the parking and its compliance with the ordinance.
3. **Item #30: Zoning Compliance Schedule** – Must be provided.
4. **Item #31 – Historic Site or District Information** – No further information is needed, but location within historic district should be noted on the plans.
5. **Item #33 – Setback Lines** – All front, side, and rear setback lines for principal and accessory structures shall be shown on the plans.
6. **Item #36: Existing Trees** – Should show existing trees and note whether the Applicant proposes to remain or remove. Applicant should also show any proposed landscaping or buffering improvements.
7. **Item #43: Utility Systems** - Must be provided and showing connections to existing and proposed systems.
8. **Item #46: Architectural Plans and Elevations** – Must be provided for all sides of proposed building or structures. All such plans shall be signed and sealed in accord with the applicable laws.

VI. COMPLETENESS REVIEW

We recommend that the following items be provided to be deemed complete:

1. A bulk chart to demonstrate compliance with the ordinance's bulk standards. The chart should contain lot characteristics, existing and proposed setbacks for principal and accessory structures, lot coverage, and parking compliance.
2. Particular attention should be given to the use of the rear yard and existing parking lot, and compliance with the requirements of Section 185-175, regarding single- and two-family parking.
3. The Applicant should provide architectural plans and elevations illustrating the existing conditions and any proposed improvements to the building.
4. Given the limited scope of the application, we recommend that the Applicant provide information regarding the existing and proposed landscaping and buffering in lieu of a full landscaping plan and Environmental Impact Statement.
5. The Applicant needs to clarify the block and lot on the boundary survey; the survey submitted shows both adjacent lots as Lot 32.
6. The Applicant should clarify the status of the easement on the eastern side of the property.

If you have any questions regarding this application, please feel free to contact our office.

Sincerely,



Greer Patras, AICP, PP
Board Planner

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