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60 Union Street, 1st Floor, Newark NJ 07105

Completeness Report #1

DATE: November 26, 2019

TO: South Orange Planning Board

FROM: Greer Patras, AICP, PP

APPLICANT: Margareta Freeman
356 Redmond Road, South Orange, NJ

ATTORNEY: Elaine Berkenwald, Esq. of Lavin Associates
184 Main Street, Chester, NJ 07930

SUBJECT: **Application #271**
356 Redmond Road; Block 1303, Lot 26
Conditional Use for Professional Office in Residence

The purpose of this memorandum is to provide the Board with guidance as to the completeness of Application #271, submitted by Margareta Freeman. The Applicant requests Conditional Use approval to permit a Professional Office in her residence. No other variance relief is requested.

A "Conditional Use" is a use permitted a particular zoning district only when that use/site complies with specific conditions. If the Applicant can demonstrate compliance with these conditions, the Planning Board may authorize the use. If the Applicant does not comply with the conditional use standards, a d(3) conditional use variance would be required from the Zoning Board.

I. SITE DESCRIPTION

A. **The Site:** The site is located at 356 Redmond Road and contains a single-family residence on 13,404 SF (0.30-acre) lot. Site improvements include a 2-story dwelling, detached garage, and paver driveway with larger parking area at the rear. The site is surrounded on all sides by single-family residences.

B. **Zoning:** RA-100 Residential Zone

II. SITE HISTORY

A. Per Resolution memorialized January 6, 2009, the house was damaged by fire in 2008 and as part of the re-construction, the Applicant sought variance approval to expand the dwelling to create living quarters for the Applicant's mother. As a response to Board's concerns about future potential for a second dwelling unit for non-family members, the Applicant agreed that no separate kitchens were proposed and reconfigured the doors and walls to decrease opportunities for separate units. The Applicant received a variance for impervious coverage, and agreed to provide a drywell and pervious pavers to offset the increased coverage.

- B. In early October, complaints about on-street parking related to this use were reported to the Building and Code Enforcement Departments, who subsequently issued notice that the existing professional office use required approval, and that any violations must be abated prior to November 1, 2019.
- C. On October 28, 2019 the Applicant submitted a use permit application to the Zoning and Building Departments. The permit was denied on October 31, 2019, as Planning Board has jurisdiction over Conditional Use Applications, per Section 185-179. The Planning Board application was received on November 12, 2019.

III. THE PROPOSAL

- A. **Project Summary:** The Applicant seeks approval to utilize a portion of their single-family dwelling as a professional office. The Applicant is a professional psychologist practicing therapy under the name Counseling Care Specialties.

Per the Applicant's Attorney's November 11 project summary, the Applicant has operated her business out of her residence for several years, unaware of the Conditional Use requirement.

The Applicant proposes to continue to provide therapy out of her residence, which consists of the following:

- 1) 340 SF dedicated area of the home, with office, hallway, and bathroom
 - 2) Hours of operation will be 1pm to 9pm on Tuesdays, Wednesdays, and Thursdays
 - 3) 24 appointments maximum over the course of the three days. Many appointments are done via video/phone conference and do not require in-person presence
 - 4) There will be no other staff other than the Applicant.
- B. **Conditional Use Request:** In the Residential RA-100 zone, "Professional Office in Residence" is a permitted Conditional Use.

A "Professional Office in Residence" is defined in the ordinance as: *A professional office of a doctor, dentist, psychologist, architect, accountant, attorney or engineer located in a dwelling owned and occupied by the doctor, dentist, psychologist, architect, accountant, attorney or engineer.*

The conditions are outlined in Section 185-186 Professional Office In Residence:

A professional office in residence, as defined in §185-3, is a permitted conditional use, provided that the Planning Board shall determine, by resolution, that the following standards have been met:

- A. *Such office shall be located on the first floor or ground floor of the main existing residential structure on the premises and shall not occupy more than 50% of the total area of the floor where located, excluding space used for a private garage. In no case shall it exceed 900 square feet, exclusive of parking spaces.*
- B. *Adequate parking spaces shall be provided in accordance with requirements of Article XXXI so that no parking related to the office shall occur on the street. At least one space shall be provided for each 200 square feet or fraction thereof of office space.*

- C. No more than two office employees shall be present at any one time. Nonresident professionals shall not be permitted to use the office. Use of the office by groups of other persons shall not be permitted.
- D. The residential character of the neighborhood and the premises shall not be subordinated to the office use.
- E. Safe and efficient vehicular and pedestrian circulations, parking and loading in the vicinity of the office in residence shall not be impaired.
- F. No more than 150 motor vehicle trip ends per week shall be generated, one arrival and one departure being considered two trip ends.
- G. The hours of operation shall be not before 8:00 a.m. and not after 9:00 p.m., Monday through Saturday, exclusive of holidays.
- H. Sign requirements as permitted in this chapter for professional office in a residential zone must be observed.

Per Section 185-179 Application For Use, "Application for any conditional use shall be made to the Planning Board in accordance with the provisions of said Board. Such application shall be accompanied by a site plan."

At the Hearing, the Applicant will be required to demonstrate compliance with all items.

- C. **Variances:** No changes are proposed to the site that would require new variance approval.

IV. COMPLETENESS DISCUSSION

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 and Board Planner's recommendations for guidance:

- A. The Applicant requested, and the Board Planner recommends the following Submission Waivers:
 - Item #10 – Utility Letter
 - Item #11 – County Application Form
 - Item #12 – County Health Application – *unless applicable*
 - Item #13 – SCD Application
 - Item #14 – NJ State Approvals
 - Item #16 – Final Plat
 - Item #17 – Environmental Impact Assessment
 - Item #19 – Traffic and Parking Impact Assessment
 - Item #21 – Engineer's Cost Estimate
 - Item #23 – "As Built" Plans / Final Plats
 - Item #43 – Utility Systems
 - Item #45 – Shortest Distance Item
 - Item #46 – Architectural Elevations
 - Item #47 – Solid Waste and Recyclable details
 - Item #50 – Current Topographic Survey

- Item #51 – Grading Plan
- Item #52 – Stormwater Management Plan
- Item #53 – Circulation Plan
- Item #59 – Applicant's Engineer Certificate
- Item #60 – Soil Permeability Logs Item

B. The Applicant requested, and the Board Planner does not recommend the following Submission Waivers:

- Items #25 through 36 – Title Block, Applicant information, basic site information
- Item #41 – Signature Block
- Item #42 – Approvals Statement
- Item #44 – Structure Locations
- Item #49 – Existing Rights-of-Way and Easements
- Item #55 – Lighting Plan

If the Board approves the project, we recommend that one "modified conditional use plan" containing all items relevant to the Application be provided in 1 location, including a copy of the survey and site plan, all conditions from the approval, signature blocks, etc.

V. COMPLETENESS DETERMINATION

We find the submitted items to be sufficient for review and recommend that the application be deemed **COMPLETE** and scheduled for a public hearing.

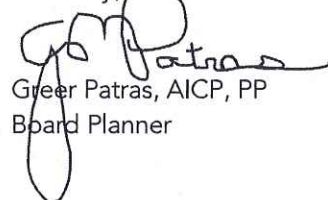
Prior to the hearing, our office will issue a planning report.

VI. DOCUMENTS REVIEWED

- A. **Application Submission and associated documentation**, filed November 19, 2019.
- B. **Floor Plans**, consisting of one (1) pages, prepared by Appel Sign Group, dated November 4, 2019.
- C. **Boundary Survey**, consisting of one (1) page, prepared by Andrew B. Clarke, PLS, PE, of ABC Surveys, LLC, dated November 6, 2019.

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

Sincerely,



Greer Patras, AICP, PP
Board Planner