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60 Union Street, #1N, Newark NJ 07105

Planner Report #2

Date: May 31, 2019

To: South Orange Planning Board

From: Greer Patras, AICP, PP, Board Planner

Applicant: Ridgewood Commons Group, LLC
c/o John Wyciskala, Esq.

Subject: Application No. 268
109 & 115 South Orange West
Block 1904, Lots 16 & 17

This report is meant to guide the Planning Board in its evaluation of Application #268. The Application, submitted by Ridgewood Commons Group, LLC, contains preliminary and final site plans that detail the Applicant's proposal. Applicant proposes to demolish an existing commercial structure and to construct, in its place, a two-story child-care center with parking.

The following reports have been issued thus far:

- March 1, 2019 – We issued Completeness Report #1 recommending that the application be deemed "Conditionally Complete," pending review by the South Orange Design Review Board, given the unique building configuration and architecture of the proposed building.
- March 20, 2019 – We issued Design Review Board Memo #1 to the Design Review Board as requested, to provide a summary of the application, neighborhood context, and offer design comments.
- April 19, 2019 – The Design Review Board issued a Memorandum summarizing the architecture revisions made by the Applicant during the course of two DRB meetings and offering additional comments regarding the proposed design.
- May 1, 2019 – We issued Planning Report #1 with comments regarding the application and identifying additional information necessary for our review.

The Applicant has submitted revised plans on May 20, 2019, resubmitted them to the Planning Board. New comments have been added **(in green)** have been added to address these revisions and to offer comments supplemental to our original report, which is in black.

I. EXISTING CONDITIONS

- A. **Neighborhood Context:** The Site is located South Orange Avenue West, near the intersection with Church Street. This downtown corridor contains a range of commercial and mixed-use buildings, in close proximity to the South Orange Train Station. The adjacent site to the rear contains the South Orange Middle School.
- B. **The Site:** The Site is a 17,160 SF property comprised of two lots:
1. Lot 16 is an existing 12,414 square foot flag-shaped lot containing a one-story commercial building, most recently used by Michelin Tire.
 2. Lot 17 is an existing 4,748 square foot blacktop parking lot.



- C. **Zoning:** B-1 Business
- D. **Traffic + Parking:** South Orange Avenue West/County Road 510 is a two-way major arterial road through downtown South Orange. Immediately in front of Lot 17 is an existing brick crosswalk connecting to the intersection at Church Street. The site has two existing curb cuts, one on each lot.

II. PROJECT PROPOSAL

- A. **Proposed Project:** The Applicant proposes to demolish the existing one-story commercial structure on Lot 16, consolidate the lots, and construct a two-story child-care center and parking. The building has a 2,892 SF first floor and a 13,434 SF second floor. The larger second floor will cover approximately 80% of the site, with 24 ground-floor parking spaces underneath.
- B. The Applicant first submitted the plans in January 2019. Since that time, the plans have undergone several revisions. The project is currently comprised of the following components:

1. *First Story, Center Interior:* 2,892 SF first floor of the child-care facility with space for a room for infant children, a room for toddler and twaddlers (18 to 30 months old), an office, a bathroom, two staircases, and an elevator.
2. *First Story, Automobile Parking:* A 10,543 SF asphalt parking lot with 24 parking spaces (23 regular and 1 handicap). The lot would be covered by a roof that supports the center's second floor facilities. To warn pedestrians on South Orange Avenue, an alert system consisting of a translucent sign reading 'CAR', an audio message, and a flashing light would be installed on the parking structure, facing South Orange Ave mounted 5' above the sidewalk.
3. *First Story, Bicycle Parking:* A black aluminum bicycle rack would be installed and separated by a 6' black aluminum ornamental fence.
4. *Second Story, Center Interior:* The 13,434 SF second floor covers 80 percent of the site. It is comprised of an 8,685 SF indoor space and, above the parking area, a 4,017 SF outdoor playground. The indoor space contains three preschool classrooms, two rooms to care for 'preppers' (children age 30 to 36 months), one pre-K room, a child play area a staff lounge, nine bathrooms, a laundry room, a pantry, two HVAC shafts, two staircases, and an elevator.
5. *Off-Site Improvements:* A reconstructed front sidewalk with pavers and asphalt that extends into the right-of-way near the Church Street intersection.
6. *Utility Improvements:* The Applicant proposes to relocate a utility pole. In addition, the Applicant proposes to install new bollards, signage, landscaping, a trash enclosure, line striping, and concrete sidewalks.
7. *Signage:* A permanent wall-mounted, illuminated building signs and temporary 6' x 14' sign would be installed above the street entrance. A blinking 18" by 6" by 6" 'PASS' light meant to alert pedestrians would be installed on the frontage where cars exit onto South Orange Avenue.

Note: In Planning Report No. 1, we provided a matrix that highlighted the changes between the January and April submissions. This, however, has been removed and we offer this summary of the revised proposal.

- C. **Bulk Chart:** Below is a table detailing bulk compliance within the B-1 Business zone:

Requirements	Required	Existing	Proposed
Minimum Lot Area	6,000 SF	12,414 SF + 4,748 SF	17,160 SF
Minimum Lot Width	50'	60 SF + 50 SF	110'
Maximum Height	4 ST / 48'	2 ST / 20'	2 ST / 34'
Min. Front Yard Setback	0'	0'	0'

Min. Side Yard Setback	10'	0' (E)	10'
Min. Rear Yard Setback	0'	0'	5.6'
Max. Lot Coverage	N/A	100%	78.3%
Min. Parking Spaces	14 spaces	Not Provided	24 Spaces
Min. Parking Setback	5'	Not Provided	0' (W)
Min. Loading Spaces	1 space	Not Provided	0 spaces (V)
Min. Parking Screening	Screening from ROW	Not Provided	None (W)
(E) Existing Condition (V) Variance (W) Waiver			
The Applicant has confirmed that Lots 16 and 17 will be consolidated.			

III. VARIANCE DISCUSSION

A. The Applicant requires the following "C" Bulk Variance Relief:

1. Section 185-141: Regulations Applicable to All Signs
 - Prohibited: No sign shall have blinking, flashing, strobe or fluttering lights or any other illuminating devices which have a changing light intensity, brightness or color, except for time and temperature.
 - Proposed: A pedestrian alert safety system ("PASS") that employs a flashing light enclosed in a backlit text that reads "CAR".

B. The Applicant requires the following "C" Bulk Variance Relief:

1. Section 185-177: Loading Spaces
 - Required: one
 - Proposed: zero

C. The Applicant requires the following Design Waiver Relief:

1. Section 185-113(c): Parking Setback
 - Required: 5'
 - Proposed: 0' to east
2. Section 185-113(o): Parking Screening
 - Required: parking must be screened from roadway
 - Proposed: full screening not provided

D. The Standard for "C" Variance:

- Hardship "C1" Variance Standard under N.J.S.A. 40:55(D)- 70(c)(1):
- Exceptional narrowness, shallowness, or shape of the property, exceptional topographical conditions, and/or other exceptional situations;

- Based on this information, the strict application of the Ordinance would result in exceptional difficulties to, and undue hardships upon, the developer of such property;
 - The conditions causing hardship are peculiar to the subject property, and do not apply generally to other properties in the same district;
 - Other means to cure the deficiency (such as purchase or sale of property) do not exist, or are unreasonable or impracticable; and
 - The variance requested is the reasonable minimum needed.
2. Flexible "C2" Variance Standard under N.J.S.A. 40:55D-70(c)(2)
- The justifications must relate to a specific piece of property;
 - The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirement;
 - The variance can be granted without substantial detriment to the public good;
 - The community benefits of the deviation would substantially outweigh any detriment; and
 - The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

IV. PLANNING COMMENTS

We offer the following comments for the Boards review and consideration:

A. General Comments

1. The Applicant shall provide testimony regarding the use and operation of the proposed child care facility, as well as compliance with state licensing. Particular attention should be given to:
 - i. Hours of operation. **This comment remains valid.**
 - ii. Capacity of students on-site. **The Applicant's floor plans were revised to indicate that the faculty can serve 160 children.**
 - iii. Number of required staffing. **The Applicant anticipates that the center will employ 20 staffers in all, 18 in a teaching capacity and 2 in an administrative capacity.**
 - iv. Building configuration and any child-care facility requirements. **The revised plans include the number of children and teachers assigned to each room as well as the square footage of that room. State law requires childcare facilities to provide at least 35 SF of space for every child. Childcare facilities must meet a required teacher-to-student ratio. The Applicant's most recent submission states the proposed child/staffer ratio per room, indicating compliance with state regulations.**

- v. Site design relative to parking configuration, traffic circulation, and drop-off/pick-up procedure. **This comment remains valid.**
- 2. The Applicant proposes improvements that may encroach/impact adjacent lots and existing easements. Applicant shall provide testimony to all easements on the property and revise site plan indicating same. **The Applicant stated in the Technical Review Response Letter that it believes the water main easement noted in the title policy is actually on Lot 1, a property also owned by the Applicant, but not a subject for the present Application. This should be discussed and clarified on the Plan. We defer further comment to the Engineer.**
- 3. The applicant should discuss all proposed utilities and show all on the site plan and roof plan, with screening. **This comment remains valid.**
- 4. Testimony should be provided regarding the trash enclosure, relative to setbacks, screening, and visibility from the right-of-way. We recommend that the gates be constructed of a visually solid, board-on-board vinyl fence to reduce maintenance compared to the proposed wood, and to better visually screen the contents. **The plans were revised to show a solid beige board-on-board vinyl fence on the gates and the remaining three sides will be comprised of brick. Additionally, further attention should be given to garbage truck pick-up and turn-around space.**
- 5. We defer to the Board Engineer regarding drainage, soil erosion and sediment control plan. **This comment remains valid.**

B. Architecture

- 1. The Applicant shall provide testimony to all building façade materials, colors, and overall details of design, relative to the site and surrounding character. Specifically, Applicant shall discuss changes incorporated to the project as a result of their Design Review Committee meeting. **This comment remains valid.**
- 2. The entire ground level building façade, approximately 110' wide, is flat, without much articulation. We recommend horizontal and/or vertical building setbacks, even as minimal as a foot or two, at prominent locations, such as a front door, to give the building some depth and character. **This comment remains valid.**

Where further articulations or building setbacks are not possible, the Applicant could consider art walls or landscape elements in a narrow planting bed or on a vertical garden to break up the façade. **This comment remains valid.**

- 3. A door to a mechanical room is located on the front façade. We recommend this be relocated. **The Applicant revised the plans and the**

door to the mechanical room is now on the interior, not the exterior. Windows are now proposed in place of the door. We note that the mechanical room is still located next to South Orange Avenue. The Applicant should testify as to the transparency of the windows and whether mechanical equipment will be visible from the street.

4. The Applicant shall revise the architecture plans to show rooftop plan depicting specifications to any mounted mechanical equipment and utilities. Applicant shall specify how rooftop equipment will be screened via parapets or other mechanisms. **In the Technical Review Response Letter submitted, the Applicant requested that any are prepared to testify about this matter. The Applicant also asked that any additional details be treated as a condition of final approval should the Board approve the application. We recommend that the general location of and screening for the mechanical equipment be shown on the architectural plans for review and approval by the Board at a minimum.**

C. Parking + Circulation

1. The Applicant should provide testimony regarding the overall parking and circulation plan. All of the variances and waivers associated with this application relate to the parking location and screening, and lack of a loading space. The design, site traffic, and circulation of the dead-end drive should be discussed. **This comment remains valid.**
2. We offer concern regarding access to the parallel spaces. The engineer should demonstrate this movement, especially during high-traffic times. If the Board approves this application and these spaces, we recommend that they be designated as "employee only" to reduce turnover and access issues. **This comment remains valid. The Applicant said the parallel spaces would be 'employee only'.**
4. We offer concern regarding the back-out of the space at the furthest northeast corner, which is adjacent to the property line, where 5' backout area is typical. **In the Technical Review Response Letter, the Applicant said that vehicles exiting this space would back into the 9' wide striped island opposite this space which contains the bicycle parking. Testimony should be provided regarding this conflict.** The Applicant should provide testimony to timing and mechanism in coordination to loading access and deliveries. In particular, the Applicant shall provide testimony to loading/bus/waste management truck circulation, specifically focusing on turn-around radii and proposed "back up area" on site plan. **Unchanged. The Applicant said the center does not require a loading space and that only 'small van type deliveries' will occur.**

The Applicant should clarify the size of the vans, indicate where the vans will park, and explain how the lot would accommodate their circulation, given the absence of a dedicated turn-around area. Testimony must still be provided for other large vehicles including food/supply vans, FedEx and UPS delivery trucks, trash pickups, and any busses.

5. The Applicant shall provide testimony regarding waste management and removal, the frequency of waste removal, and the method of waste removal (i.e. truck type). **This comment remains valid.**
6. The engineer's site plan portrays 23 regular parking spots and 1 ADA-van accessible parking spot (24 parking spots total), while the architect site plan portrays 25 regular parking spots. We believe this was an error on the architect plan due to not properly labeling striping and ADA parking. Applicant shall confirm and correct the following inconsistencies between the engineer and architect site plan:
 - i. ADA van accessible space with proper striping labeled.
 - ii. Striping area east of the proposed trash enclosure. **The architectural plans have been amended to be consistent with the engineer's plan. The Applicant is proposing 24 spaces.**
7. The Applicant proposes off-site improvements along South Orange Avenue West, which includes removing the existing brick paver crosswalk immediately in front of Lot 17 and relocating the crosswalk closer to the Church Street intersection. Applicant shall provide testimony to the construction sequence and pedestrian/vehicular safety during time of construction. The Applicant should consult same with the County Engineer. **Unchanged. The Applicant requests that the comment be made a condition of final approval. The Applicant said that the logistics of construction and pedestrian/vehicular safety would be worked out with the Town and County prior to construction.**

Our recommendation remains. South Orange Avenue is a major corridor with significant pedestrian and automobile volumes. Because of this, the Applicant should testify as to how they plan to ensure pedestrian and vehicular safety when construction occurs.

8. In response to comments by Bowman Consulting Group, the Applicant is proposing a 'Pedestrian Alert Safety Sign' where the driveway discharges across the public sidewalk. The 'PASS' would be a 18" by 6" by 6" sign that is mounted 5' high on the building's South Orange frontage. The sign would have a flashing light, which is prohibited under the Land Development Ordinance. It would also be able to play an audio message that warns pedestrians.

The Applicant should be prepared to testify about the illumination levels proposed, the extent to which the light source is covered, and the frequency of the flashing light. The Applicant should indicate if an audio message will play and what the noise level will be. Lastly, the Applicant should clarify the hours at which the system would be operational.

We recommend that the lighting and volume be kept to a minimum so long as safety allows.

9. To provide greater space around the building entrances, we recommend shifting the location of the handicap accessible aisle to the front of the entrance. This should be discussed in the context of entrance and exiting safety.
10. The Applicant should testify as to the traffic impact study. Particular attention should be given to circulation at peak times, specifically when children are dropped off in the morning and when they are picked up in the afternoon. The Applicant should testify how drivers will navigate the proposed arrangement when they are entering and exiting en masse. We offer concern with regard to having one entrance/exit point without a dedicated turn-around area. If one car is unable to turn around or park, this causes traffic to back up in the lot. If traffic is jammed near the entrance – a possibility whenever a car backs out of a space there – then traffic may back up on South Orange Avenue. This should be discussed.
11. The Applicant should testify whether the proposed parking and circulation provides adequate sight lines for drivers to see children who are shorter than the height of parked cars and thus obstructed from view.

D. Lighting + Landscaping

1. The Applicant shall testify to the level of illumination generated by all site and building lighting, particularly focusing on compliance with Section 185-116 of the Village Ordinance. Updated in part. The Applicant said they will testify with regard to the lighting. The lighting plan is only for the parking area. Though not included on the site plans, the Applicant said there will also be light fixtures above each door. The Applicant said these are typically 10W bulbs and that, if the Board requests that they be included on the lighting plan, that it be made a condition of final approval. We recommend that they be included on the light plan and we recommend that the Applicant testify as to the type of fixture(s) used, their color, and the foot-candle levels expected, and show the details on the plan.

2. The lighting plan does not show any building mounted fixtures on the front or side facades. Details should be provided, including fixture information and foot-candle levels. **The Applicant said light would be provided by decorative sconces, but foot-candle levels are not shown on the lighting plan and details have not been provided. Further, Applicant should testify whether the sconces will comply with the Lighting Ordinance. The Applicant should clarify the extent to which the frontage and parking lot lighting will spill over onto neighboring properties.**
3. We recommend a color temperature at or less than 4000K, and that all lights be turned off within 1 hour of business closing to reduce off-site impacts. We recommend that any lights that are required for security purposes overnight use a motion-sensor. **Unchanged. The plans still propose a temperature of 4000-5000K. In the Technical Review Response Letter, however, the Applicant said that the plans could specify 4000K as a condition of approval. Hours, the use of motion sensors, and illumination levels should also be discussed.**

The Applicant shall testify to the landscape screening along the perimeter of the property and maintenance. Additionally, Applicant should testify to the consideration of planting shade tree(s). **The site plans have been amended to include a wider variety of species. The Applicant should elaborate on how the landscaping would screen the parking area.**

5. The plan has expansive areas of mulch. These should be filled in with additional shrubs and a low maintenance groundcover. **This has been addressed.**

The spacing of the boxwood should be reduced to 2.5' on center to create a hedge screen. **This has been addressed.**

7. Minimum planting height of the evergreens along the rear edge should be 5 to 6'; 4' is proposed. **This has been addressed.**
8. Plans should be revised to show street trees, tree protection fencing, and/or any replacement street trees.
9. Particular attention should be given to the landscaping at the side frontage. Additional plants and varieties should be considered. **We offer the following comments regarding the revised design:**

(a) We offer concern regarding the proposed stone crop, which is a 'needle-like' groundcover, so close to the pedestrian sidewalk, especially considering the plethoea of children in this area.

(b) The quantity of blue fescue should be increased and the spacing decreased to provide appropriate groundcover coverage.

(c) The location of the proposed fence and building wall in this area should be clarified on the plans and coordinated with the planting bed. Perhaps the fence should be set back closer to the parking and the planting on the sidewalk side of the fence.

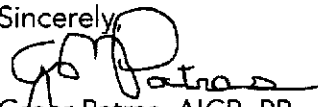
(d) Appropriateness of species and location of plants should be discussed, as many of the proposed plants require full sun. Maintenance should particularly be discussed under the second-floor's building shadow. We defer further comment to a licensed landscape architect.

V. DOCUMENTS REVIEWED

- A. **Application Form**, filed January 31, 2019 and resubmitted April 18, 2019.
- B. **Cover Letter** consisting of two (2) pages written by John Wyciskala, Esq.
- C. **Preliminary and Final Site Plan**, consisting of thirteen (13) pages, signed and sealed by Gerard Gesario, P.E. of Jarmel Kizel on January 3, 2019, revised April 16, 2019, revised again May 17, 2019, and resubmitted May 21, 2019.
- D. **Architectural Drawings**, consisting of four (4) pages, signed and sealed by Mathew Jarmel, AIA of Jarmel Kizel on January 24, 2019, revised April 16, 2019, and May 17, 2019.
- E. **Architectural Renderings**, consisting of three (3) pages, prepared by Jarmel Kizel Architecture, received April 18, 2019.
- F. **Technical Review Response Letter**, consisting of twelve (12) pages, signed by Gerald Gesario, P.E. of Jarmel Kizel, dated May 17, 2019, and received May 21, 2019.
- G. **Topographic Survey**, consisting of one (1) page, prepared by David J. Von Steenburg, P.L.S. on February 5, 2017.
- H. **Traffic Impact Study**, consisting of thirty-eight (38) pages, signed by Charles Olivo, P.E. and Matthew Seckler, P.E. of Stonefield Engineering on April 12, 2019.
- I. **Cover Letter for Soil Remedial Action Permit**, approved by the New Jersey Environmental Protection, written by John P. Wyciskala, Esq., dated May 22, 2019.
- J. **Soil Remedial Action Permit**, approved by the New Jersey Department of Environmental Protection, issued March 12, 2019 and effective March 13, 2019.
- K. **Response Action Outcome**, consisting of twelve (12) pages, signed by Basil J. Elmers III, LSRP of Envirotactics, Inc, and dated March 13, 2019.

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

Sincerely,


Greer Patras, AICP, PP
Board Planner

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