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60 Union Street, #1N, Newark NJ 07105

## Planning Report #2

Date: February 27, 2020

To: South Orange Planning Board

From: Greer Patras, AICP, PP, Board Planner

Applicant: JESPY House c/o Audrey Winkler  
102 Prospect Street, South Orange, NJ 07079

Owners: Donaher & Messing

Attorney: Elaine Berkenwald of Lavin Associates, PC  
184 Main Street, Chester, NJ 07930

Subject: **Application #272**  
**301 Academy Street (Block 2201, Lot 8)**  
**Bulk Variance Application**

The following is a review of Application #272 submitted by JESPY House. The property currently consists of a single-family dwelling. The Applicant is under contract to purchase the property and proposes to convert the site into a JESPY Group Home, along with installing an elevator on the side of the dwelling, which requires "c" bulk variances.

On January 29, 2020, we issued Completeness and Planning Report #1, deeming the application sufficient for review, subject to minor clarifications to be addressed by the Applicant.

After the February 3, 2020 completeness hearing, the Applicant submitted revised plans to address some of the comments contained in this report.

The purpose of this report is to provide the Board with an updated project summary and overview of revisions. Revised comments will be provided in **red** to highlight changes made since the previous report.

The following items were reviewed:

- **Completed Planning Board & Zoning Board Application Form and Submission Checklist**, filed January 17, 2020 and last revised on February 3, 2020.
- **Proposed Site Plan**, consisting of (3) three sheets, signed and sealed by Michael J. Roth of Roth Engineering, dated January 14, 2020 and last revised on February 7, 2020.
- **Proposed Floor Plans and Elevations**, consisting of (8) eight sheets, signed and sealed by Nancy Dougherty of Studio 1200, LLC, dated January 17, 2020 and last revised on February 7, 2020.
- **Boundary and Topographic Survey**, consisting of (1) one sheet, signed and sealed by John C. Ritt of James P. Deady Surveyor, LLC, dated January 31, 2019.

## I. SITE DESCRIPTION

- A. **Neighborhood Context:** The property is located at 301 Academy Street. The properties on Academy Street within a 200' radius of the site is used for residential purposes. The site is also in close proximity to Our Lady of Sorrows School and Valley Street/County Route 638, which contains a mix of commercial and residential uses.
- B. **The Site:** The property is a 0.149-acre (6,508 SF) corner lot with frontages on Academy Street to the south and Fifth Street to the east. The lot contains a 3-story single-family dwelling. The lot slopes down towards the rear/north property line, so that the basement is a "walk-out" at the rear. The easterly side of the lot is occupied by a paved driveway from Fifth Street with access to the basement entrance, the porch, and rear yard wood deck.
- C. **Zoning:** RB: Residential Two-Family
- D. **District:** This property lies within the Prospect Street Historic District but is not a "key contributing building."

The site can be seen in the image below, aerial courtesy of Google Earth.



## II. PROPOSAL

The Applicant proposes to convert the property into a JESPY House, which will provide supportive residences to 6 (six) adults with disabilities.

- A. Applicant proposes a 7.83' by 9.42' elevator on the easterly side of the house facing Fifth Street, which will be accessed from inside the dwelling. To install the elevator, the porch stairs and sidewalk on the side of the house leading to the front porch will be removed, and the porch will be extended to meet the exterior elevator wall.
- B. **The interior will be reconfigured to accommodate 6 (six) total bedrooms and 3.5 bathrooms. The second floor will be expanded by approximately 154 SF, for the 74 SF elevator and 80 SF addition at the rear, and contain 4 (four) bedrooms and 1 (one)**



bathroom. The third floor will be expanded by approximately 74 SF for the elevator addition, and contain 2 (two) bedrooms and 1 (one) bathroom.

- C. Additionally, parts of the driveway and curbing will be reconfigured for the elevator, ramp, and railing, and changes to draining are proposed.

### III. COMPLETENESS DISCUSSION

- A. The Applicant has requested the following submission waivers; however, we recommend additional information be provided:
- #12 – Completed Essex County Health Department Application
    - The Applicant should submit to County Health for review/approval or seek a "letter of no interest".
    - *Comment Resolved - Applicant has submitted copy of letter to ECHD.*
  - #19 – Traffic and Parking Impact Assessment
    - While we do not recommend a full parking and traffic impact assessment, the Applicant should be prepared to address the on-site and off-site parking strategy relative to the variance sought.
    - *The Applicant has agreed to provide testimony regarding the parking strategy.*
  - #31 – Historic Site or District
    - This property is within the Prospect Street Historic District, and therefore is subject to review by the Historic Preservation Commission. The site is not a "key contributing building," so it does not require a "Certificate of Appropriateness," but shall be submitted to the HPC for "non-binding advice".
    - *The Applicant has submitted for review and approval by the HPC; no updates have been provided at issuance of this report.*
  - #32 – Boundary Information Survey
    - Topographic survey was provided. Boundary survey must be provided. If the Topographic serves as both, notes and seal should be updated.
    - *Comment Resolved - Boundary and Topographic Survey has been provided.*
  - #52 – Stormwater Management Plan
    - While we do not recommend a full stormwater management plan be required given the limited scope, the Applicant must address the missing information identified by the Board Engineer.
    - *We defer to the Board Engineer regarding the revised plans.*
  - #54 – Parking Calculations
    - Calculations and compliance/non-compliance should be added to the bulk chart.
    - *Comment Resolved - Revised plans show updated zoning table with parking calculations.*
  - #55 – Lighting Plan
    - No site lighting has been provided. We recommend Applicant provide lighting information to demonstrate compliance with ordinance and safety for disabled residents.

- **Lighting plan provided on revised plans.**
- **Additional:** All information requested by the Board Engineer in their January 25th Report should be provided.
  - **We defer to the Board Engineer regarding the revised plans.**

#### IV. VARIANCE DISCUSSION

- A. The site has 3 (three) proposed non-conforming bulk conditions, requiring "c" bulk variance relief from Chapter 185 Attachment 3: Bulk Regulations.
1. **Front yard setback** - The Applicant is proposing a front yard setback of 14.66' to accommodate the proposed elevator, where a minimum of 25' is required. We note that the existing setback is 14.50' to the porch.
  2. **Upper floor area:** The Applicant proposes to expand the 3rd floor where only 2.5 floors are permitted, from 564 SF to 656 SF. However, based on the ratio of second to third floor area, the ratio of the configuration is being reduced from 61.4 % to 61.3%, where the maximum permitted is 50%.
  3. **Parking Spaces:** No changes are proposed to the existing two-car driveway which met the requirement for a single-family use, however "group homes for the development handicap" require "2 spaces per each dwelling unit, plus parking for staff as determined by the Planning Board".
- B. Testimony should be provided regarding the necessity for the requested variance, and all efforts to mitigate any potential negative impacts if the relief is granted. The Applicant must prove, and the Board must find that the necessary criteria for "c(1)" and/or "c(2)" variances, identified by the Municipal Land Use Law at section 40:55D-70, have been satisfied.
- C. Compliance with the bulk requirements of the zone are as follows:

RB Zone Requirements	Required	Existing	Proposed
Minimum Lot Area	6,000 SF	6,508 SF	No Change
Minimum Width	60'	62.7'	No Change
Minimum Front Setback – Academy St.	25'	15.52' (E)	No Change
<b>Minimum Front Setback – Fifth St.</b>	<b>25'</b>	<b>14.50' (E)</b>	<b>14.66' (V)</b>
Minimum Side Yard Setback	4'	14.31'	No Change
Minimum Rear Yard Setback	16'	37.52'	No Change
Maximum Lot Coverage	40%	34%	34.7%
Maximum Building Height	35'	39' (E)	No Change
Maximum Stories	2.5 stories	3 stories (E)	No Change
<b>Maximum Third Floor Area</b>	<b>50% of 2<sup>nd</sup> floor area</b>	<b>61.4% (E)</b>	<b>61.3% (V)</b>
<b>Minimum Parking</b>	<b>2/dwelling unit plus staff</b>	<b>2 spaces</b>	<b>2 spaces (V)</b>
(E) Existing Non-Conforming (V) Variance Required			



## V. PLANNING COMMENTS:


*The Applicant should provide testimony regarding the following comments and any changes from the revised plans.*

- A. The Applicant should provide an overview of the application, including testimony regarding all existing site improvements and proposed changes.
- B. The Applicant should discuss changes to the building architecture, the requested setback variance, and whether any alternate locations or configurations for the elevator were considered. All efforts to minimize any impacts of the variance should be discussed. We previously discussed limiting the elevator tower to the second floor or changes to internal configurations to reduce or eliminate variance.
- C. The Applicant should confirm that the proposed addition and the colors and materials will be identical to the existing structure, to appear as a seamless part of the building. Notes and details should be added to the plans to confirm this.
- D. We note that a window on the third floor will be removed for the elevator. While fire safety will be reviewed under subsequent reviews for building permits, we recommend the Applicant review compliance of windows and egress so revisions to layout and architecture are not required after Planning Board Approval.
- E. The Applicant should provide testimony regarding presentation to the neighborhood committee and the Historic Preservation Committee.
- F. Some lights are shown on the architecture elevations, but no information is shown on the engineering plans. We recommend details be provided to confirm that all fixtures will provide adequate lighting for the residents, will not emit off-site glare onto the roadway and adjacent properties, and will be dark-sky compliant. We recommend all lights operate on a motion-sensor to reduce impacts to adjacent properties. **Lighting information has been added to the engineering plans, and a note has been added to state that motion-sensor fixtures will be provided. We recommend that the fixtures be full cut-off to reduce off-site impacts.**
- G. The Applicant should provide testimony regarding the proposed parking strategy. A minimum of 2 (two) parking spaces plus spaces for staff are required, but only 2 (two) on-site spaces are provided. The Applicant should discuss availability of nearby street parking, which is permitted on sections of Fifth Street and Academy Street. Number of staff, use of vans, and parking for visitors should be discussed.
- H. Any revised plans should contain the following revisions/clarifications:
  1. On sheet V-6, a bathroom is labeled as a bedroom. **Comment Resolved - Revised plans correctly label the bathroom.**
  2. On sheet V-6, the hallway dimensions should be updated. **Comment Resolved - Revised plans update the hallway dimensions.**
  3. On sheets V-2 and V-6, the actual floor areas should be confirmed. **Comment Resolved - Revised plans confirm floor areas of the second and third floor.**

4. The bulk chart should be updated to include all existing and proposed conditions and variances granted. *Comment Resolved - Revised plan provides updated bulk chart on sheet C-1.*
5. Notes and title block should reflect "Planning Board" instead of "Board of Adjustment". *Comment Resolved - Notes and title block reflects "Planning Board" on sheet C-1.*
6. Colors and materials should be noted on the architecture plans. *Comment Resolved - Notes are provided on architectural plans that colors and materials will match existing conditions.*
7. Lighting information should be consistent between the engineering and architecture plans, and details provided. *Comment Resolved - Lighting information is consistent throughout plans.*

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

Sincerely,



Greer Patras, AICP, PP  
Board Planner