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60 Union Street, #1N, Newark NJ 07105

## Completeness Report #4

Date: July 31, 2020  
To: South Orange Planning Board  
From: Greer Patras, AICP, PP, Board Planner  
Applicant: Angela Thomas and Gerard Ohen  
42 Church Street, South Orange, NJ 07079  
Subject: Application #273  
42 Church Street (Block 1902, Lot 8)  
Bulk Variance Application

The purpose of this report is to provide the Board with guidance as to the completeness of Application #273 submitted by Angela Thomas and Gerard Ohen. The property currently consists of a 2-story, two-family dwelling. The Applicant is proposing to demolish the existing structure and to replace it with a new 2 ½-story, two-family structure including a covered front porch and rear deck, new concrete sidewalks in the front of the dwelling, and a parking lot for 4 cars, which requires "c" bulk variance relief.

We issued Completeness Report #1 on April 3, 2020, and Completeness Report #2 on May 28, 2020 containing an overview of the submission and all outstanding items.

Applicant's Engineer provided a Response Letter on June 5th with comments regarding some of the outstanding items, however no revised plans were submitted. On June 26th we issued Completeness Report #3 with the Applicant's Response Letter attached. Since the majority of remaining outstanding items related specifically to engineering, our office coordinated with the Board Engineer to provide a coordinated response for Completeness #3.

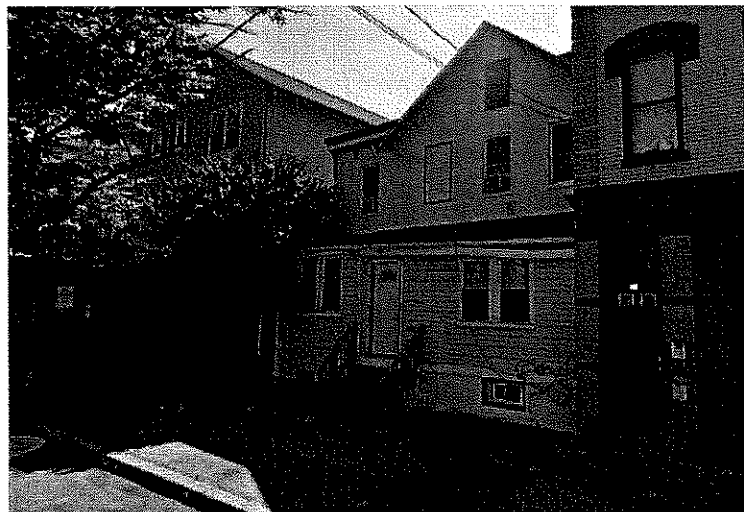
Revised engineering plans were received on July 22<sup>nd</sup>. We coordinated again with the Board Engineer on July 30<sup>th</sup> to discuss the revised submission. For this Completeness #4 report, all items that remain outstanding are in red text.

The following items were reviewed:

- **Completed Planning Board Application Form and Checklist**, filed March 20, 2020.
- **Preliminary and Final Site Plan**, consisting of (2) two sheets, signed and sealed by David E. Fantina, P.E., dated November 25, 2019.
- **Preliminary and Final Site Plan**, consisting of (3) three sheets, signed and sealed by David E. Fantina, P.E., dated November 25, 2019, last revised July 16, 2020.
- **Proposed Floor Plans and Elevations**, consisting of (2) two sheets, signed and sealed by Hayk Ekshian by Space & Mark, LLC, dated June 19, 2019.
- **Revised Preliminary and Final Site Plan**, consisting of (3) three sheets, signed and sealed by David E. Fantina, P.E., dated April 15, 2020.
- **Site Survey**, consisting of a single sheet, signed by Robert J. Templin, P.L.S., dated March 11, 2019.

## I. SITE DESCRIPTION

- A. **Neighborhood Context:** The property is located at 42 Church Street at the periphery of the Village's commercial district. The property is in the immediate vicinity of a number of different uses including professional offices, single and two-family residences, and multi-family residential buildings. The site is also in close proximity to the NJ Transit station, the South Orange Performance Arts Center, and the businesses that surround them. The property is separated from the Rahway River by only a small surface parking lot to its rear, and is less than a block away from the entrance of the Third Street Playground.
  - B. **The Site:** The property is a 0.077-acre (3,370 SF) lot with a frontage on Church Street. The lot contains a 2-story, two-family dwelling. The rear of the lot contains a deck and a paved parking area. The existing dwelling occupies the full lot width, and the western wall of the building is attached to the adjacent residential structure on Lot 7.
  - C. **Zoning: CS-R38:** Church Street-R38 District
- The site can be seen below, aerial courtesy of Bing, street view courtesy of Google Maps.



## II. PROPOSAL

The Applicant proposes the following improvements:

- A. A new 1,386 SF two-family residential structure of 2 ½-stories, representing a half-story increase in height, and a 414 SF increase in building coverage in addition to a new front and reconfigured rear porch.
- B. To reconfigure and expand the rear parking area as well as the front sidewalk, for an overall increase of 285 SF of impervious lot coverage.

## III. VARIANCE DISCUSSION

At this time, we have identified the following proposed non-conforming bulk conditions, requiring "c" bulk variance relief from Chapter 185 Attachment 3: Bulk Regulations:

- A. The following items exist, however will not change as a result of the proposed development;
  1. **Lot Area** – The Applicant's lot area of 3,370 SF represents an existing non-conformity as a minimum of 20,000 SF is required.
  2. **Lot Width** – The Applicant's lot width of 28.19' represents an existing non-conformity as a minimum of 200' is required.
- B. The following items require new variance relief, associated with the new construction.
  1. **Side Yard Setback (northeast)** – The Applicant is proposing a side yard setback of 3.5' where 10' is required. While still requiring variance relief, this represents an increase of 3.5' from the existing structure.
  2. **Side Yard Setback (southwest)** – The Applicant is proposing a side yard setback of 0' where 10' is required, representing no change from the existing structure.
  3. **Lot Coverage** - The Applicant is proposing an impervious lot coverage of 2,895 SF or 85.9%, where a maximum of 70% is allowed. This represents an exacerbation of the existing non-conformity of 77.4%.

CS-R38 Zone Requirements	Required	Existing	Proposed
Minimum Lot Area	20,000 SF	3,370 SF (E)	3,370 SF (E)
Minimum Width	200'	28.19' (E)	28.19' (E)
Minimum Lot Depth	100'	128.7'	128.7'
Minimum Front Setback	8'	4.4' (E)	8.4'*
Minimum Side Yard Setback (northeast)	10'	0' (E)	3.5' (V)
Minimum Side Yard Setback (southwest)	10'	0' (E)	0' (V)
Minimum Rear Yard Setback	15'	83.2'	61.4'
Maximum Lot Coverage	70%	77.4% (E)	85.9% (V)
Maximum Building Height	45'	2 stories Appl. to provide	2.5 stories 29.9' tall
Minimum Parking Spaces	3.4 spaces	Appl. to provide	4 spaces
(E) Existing Non-Conforming (V) Variance Required *Plan should be revised to reflect this figure			

- C. Once deemed complete, at the public hearing, the Applicant must provide testimony 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.

#### IV. COMPLETENESS DISCUSSION

A. The Applicant has requested, and we recommend, the following waivers be granted:

- **#19 – Traffic and Parking Impact Assessment**
  - No information has been provided regarding access to the rear parking area. This must be confirmed. If the Applicant is unable to confirm access/easements to this area or will not obtain access/easements to this area, then variance relief must be sought for not providing any accessible parking spaces.
- **#21 – Engineer's Cost Estimates**
  - We defer this item to the Board Engineer.
- **#23 – "As-Built" Site Plans**
  - Final Site Plan will be prepared and approved as part of resolution compliance sign-off.

B. We recommend additional information be provided regarding the following Application checklist items:

- **#17 – Environmental Impact Assessment**
  - While we do not recommend a full Environmental Impact Assessment be required given the limited scope, the site's proximity to the Rahway River and the requested impervious coverage variance warrants analysis of on-site containment and stormwater runoff systems, as well as impacts to adjacent properties.
  - No information has been submitted. The Applicant agreed to provide this information at the Completeness Hearing, however the response letter than accompanied the revised submission indicated that the proposed improvements are "negligible" and stormwater management is not warranted. We defer further comments to the Board Engineer.
- **#30 – Zoning Compliance Schedule**
  - The Applicant should provide details on compliance with the Church Street Redevelopment Plan's General Design Standards on the plan.
  - The Applicant has provided notes on the site plan that address compliance with the Church Street Redevelopment Plan's General Design Standards. No additional information is required for completeness and a full planner report will be issued prior to a public hearing.
- **#32/#49 – Boundary Survey/Existing and Proposed Rights of Way and Easements within and adjoining the Tract with Dimensions and existing improvements accurately shown**
  - An existing conditions plan was provided, however the survey referenced to prepare this should be included on the plans. This survey must show any easements or access agreements, particularly as they relate to site access at the rear.
  - The Applicant has submitted the site survey referenced to prepare the site plans, however, this survey simply notes that the property is "subject to easements and restrictions of record". Given how critical an easement or access agreement would be for accessing the proposed parking area, confirmation of this items is required.
  - Per coordination with the Board Engineer, the following should be provided:

- The survey should be updated to provide a datum reference and locations of existing building laterals.
  - The survey should be updated to show existing features within the municipal parking lot within 100 feet of the property.
  - The Applicant shall verify if there is an access agreement permitting Lot 7 to utilize the driveway to the municipal parking lot. Should same not exist, an access agreement with metes and bounds descriptions shall be provided to the Board for review.
  - The plans should be updated to show the width of the existing driveway.
- **#43 – Utility Systems**
  - The Applicant proposes to reuse existing utility service lines for the new proposed structure. The Applicant's application states that utility connections to the second unit have not been determined. These connections should be confirmed and shown on the plans as well as proposed locations of any HVAC systems, meters, and related screening.
  - Additional information may be required for review/approval. We defer to the Village/Board Engineer.
- **#45 – Shortest Distance**
  - The dimension between the north building face and the municipal right of way shall be revised.
    - The information provided is adequate for completeness.
- **#46 – Architecture Plans**
  - The Applicant proposes a 2.5 story building but no floor plans have been provided for the topmost half story. Plans must be submitted to demonstrate compliance with the ordinance.
  - Per coordination with the Board Engineer, the following should be provided:
    - The architecture plans contain an incorrect scale. This must be corrected. Plans must be provided at a standard scale and size, with the correct scale provided.
    - The plans shall include a basement floor elevation.
    - The Applicant should verify if building windows are permitted on residential structure which is within five (5') feet of the property line.
- **#51- Grading Plan**
  - The plans propose grading on an adjacent lot (contour 96). The grading should be revised to limit grading to the subject property or to include the adjacent lot in the application.
    - The information provided is adequate for completeness.
- **#52 – Stormwater Management Plan**
  - While we do not recommend a full stormwater management plan be required given the limited scope, the Applicant must address how any increase in stormwater runoff as a result of increased lot coverage will be mitigated.
  - Per coordination with the Board Engineer, the following should be provided:
    - Existing and proposed roof leader discharge locations shall be shown on the plans.
    - A drainage narrative shall be provided with the application, to provide mitigation measures to not increase the amount of runoff from the site in any direction.

- Per the Board Engineer, a stormwater management report, dated July 9th, was provided and satisfies this item.

- **Remaining Items:** Full details were not provided to satisfy the requirements of checklist items
  - #38 Landscaping Plan
  - #43 Utility Plan
  - #52 Stormwater Management Plan
  - #53 Circulation Plan, and
  - #55 Lighting Plan

Given the limited scope of this application however, we would recommend that, in lieu of a full plans for each item individually, one "proposed site plan" be provided to show the location and details of all items required. This plan should not include the demolition and construction information that is shown on the current "proposed plan" (which we recommend be renamed to the construction/grading plan, or similar). Items to be included should be, but not limited to:

- Locations of light fixtures and details regarding fixture type, mounting height, light color temperate, and demonstration of compliance with ordinance requirements;
  - The information provided is adequate for completeness.
- Labels and specifications for the paved parking area, including materials, any proposed striping and any curbing; and
  - No information was provided regarding striping/curbing, etc. If these items are proposed, they should be clarified on the plans. If neither are proposed, the Applicant should clarify any and all variance/waiver relief requested.
  - Per coordination with the Board Engineer: The plans should be updated to show the width of the existing driveway or provide a new edge of pavement line. Same should be dimensioned.
- Detailed information the proposed landscaping, including hardscaping and groundcover, any trees, bushes, etc., and a landscape schedule.
  - The information provided is adequate for completeness.

- C. **COMPLETENESS DETERMINATION:** Once the above mentioned items are submitted along with any other items required by the Board, we recommend that the Application be deemed complete. Any items must be submitted at least 14 days prior to a scheduled hearing date to allow for a timely review by the Board. If complete information is not provided 14 days prior to the hearing, the application may be rescheduled to the following hearing.

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

Sincerely,

Greer Patras, AICP, PP  
Board Planner