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60 Union Street, #1N, Newark NJ 07105

Planning Report #2

Date: December 3, 2021

To: South Orange Planning Board

From: Greer Patras, AICP, PP, Board Planner

Applicant: 6 South Orange, LLC

Attorney: Reginald Jenkins, Jr., Esq.

Subject: Application No. 287
6-8 South Orange Avenue, Block 1908, Lot 5
Preliminary & Final Site Plan with Bulk Variances

The purpose of this report is to provide the Board with an evaluation of Application #287, submitted by Reginald Jenkins, Jr., Esq. on behalf of 6 South Orange, LLC (the "Applicant"). The Site is within the Central Business District Redevelopment Zone and is presently a three-story mixed-use property with retail and office space. The Applicant proposes to convert the current building into a mixed use, residential and retail building with retail on the first floor and residential units on the second and third floors. The Applicant requires Preliminary and Final Site Plan approval as well as bulk variance relief.

We note that the Applicant did partake in the pre-application process, and in March 2021 met with members of the Planning and Economic Development Committee, including representatives from SOVCA, SOPA, and the Design Review Board for non-binding, preliminary comments on the concept.

We issued Planning Report #1 on September 28, 2021, however the application has yet to be heard. The Applicant has since submitted revised materials, in anticipation for the December 2021 hearing, which were reviewed and are incorporated in this Planning Report #2.

The following materials have been reviewed:

- **Planning Board Application Submission**, filed August 24, 2021.
- **Cover Letter**, written by Reginald Jenkins, Jr., Esq., dated August 20, 2021.
- **Site Plan**, consisting of 6 sheets prepared by Michael E. Dipple, P.E., of L2A Land Design, LLC, dated May 21, 2021.
- **Architectural Plans and Renderings**, consisting of 13 sheets prepared by MRVN Architecture, LLC, dated March 22, 2021.
- **Revised Architectural Plans and Renderings**, consisting of 15 sheets prepared by MRVN Architecture, LLC, dated November 22, 2021.
- **Lighting Specifications Sheet**, consisting of 20 sheets prepared by MRVN Architecture, LLC, dated October 22, 2021.
- **Land Survey**, consisting of 1 sheet prepared by Lakeland Surveying, dated March 11, 2021.
- **Applicant's Architect Response to Planning Comments**, consisting of 3 pages, prepared by MRVN Architecture, LLC, dated October 22, 2021.
- **Soil Conservation District Exemption Letter**, prepared by L2A Land Design, LLC., dated August 19th, 2021.
- **Essex County Planning Board Application and Cover Letter**, dated September 3, 2021.

I. EXISTING CONDITIONS

- A. **Site Description:** The Site is a corner lot with frontage along South Orange Avenue and the adjacent pedestrian walkway and occupies an area of approximately 0.12 acres (5,411.50 square feet). The Site contains a three-story brick mixed-use building that currently consists of a Bank of America and bagel store on the first floor and offices on the second and third floors.



Figure 1: Front along South Orange Avenue. (Site photo taken on 9.14. 2021, courtesy of Topology)



Figure 2: Pedestrian walkway adjacent to Site. (photo taken on 9.14. 2021, courtesy of Topology)



Figure 3: Rear of Site. (photo taken on 9.14. 2021, courtesy of Topology)

- B. **Neighborhood Context:** The Site is located near the South Orange train station and is surrounded by other similar commercial uses. Directly to the south of the Site is a public parking lot. The eastern side of the Site faces a pedestrian walkway connecting the public parking lot to South Orange Avenue.



Figure 4: Aerial Image of the Site

- C. **Zoning:** Central Business District (CBD) Redevelopment Zone

- D. **Traffic + Circulation:** The Site has frontage along South Orange Avenue (County Road 510), and lies near the corner of Sloan Street, a municipal road. The Site abuts a pedestrian walkway that connects a commercial area along South Orange Avenue to the Sloan Street Municipal Parking Lot located at the rear of the Site. Additionally, the South Orange train station is a 1-minute walk away from the Site along South Orange Avenue to the West.

II. PROPOSAL

A. **Proposed Project:** The Applicant proposes the following:

1. Removal of the following existing site improvements:
 - HVAC system in the rear of the building
 - Rear entrance concrete, wall, overhang, and columns
 - Portions of the pedestrian walkway pavers, curb, and 2 light poles
 - Shrub towards the rear of the building
2. The Applicant proposes to construct a 3-story addition to the rear of the existing building consisting of the following:
 - Basement:
 - Trash/utility room and retail loading room
 - First Floor:
 - New residential entrance, lobby, and retail storage/loading space
 - Modified ATM vestibule
 - Trash/Recycling Enclosure
 - Second Floor:
 - 5 one-bedroom units, each of which have an in-unit bicycle rack and two of which have roof decks
 - Bicycle Storage Area
 - Third Floor:
 - 2 one-bedroom units, each of which have an in-unit bicycle rack
 - 2 two-bedroom units, each of which have an in-unit bicycle rack
 - Bicycle Storage Area
 - Roof:
 - Construction of a new "high emissivity cool roof" on the rear half of the building with new solar panels
 - Construction of new high efficiency condensers and ventilators for residential units and replacement of retail air handling units
 - Construction of a new elevator bulkhead
 - Construction of a new 6' tall corrugated metal mechanical equipment screen
 - Construction of 3 new skylights
3. Proposed exterior improvements:
 - Construction of rear entrance area with new pavers, curb sections, concrete stairs, ramp, and railing
 - Replacement of the existing first floor front stone façade with brick façade to match the second and third floor
 - Installation of awning above bank storefront to match the bagel store's awning
 - Installation of new painted aluminum storefronts that will match second and third floor windows

- Installation of a new aluminum clad door at the residential entrance along South Orange Ave.
- Installation of new windows throughout the building
- Relocation of 1 light pole further away from building towards the public parking lot
- Cleaning and restoring of all remaining brick, stucco, and stone façade
- Installation of lighting above the existing and proposed storefront awnings, under the proposed side entrance canopy and ATM entry, above the proposed roof deck, and along the existing pedestrian walkway
- Installation of new Bank of America signage at the side and front entrances

III. COMPLETENESS DISCUSSION

- A. This application was deemed conditionally complete at the September 9, 2021 Planning Board hearing, pending several updates as described in italics:
- Stormwater information required by Engineer: *status unknown. Deferred to Board Engineer*
 - Pedestrian detour plan: *item remains outstanding*
 - Design Review Board review/comment meeting for façade/signage review: *Applicant attended two meetings with the DRB*
 - Parking strategy plan: *testimony should be provided at hearing*
 - Total square footage of the building addition shown on floor plans: *Applicant amended floor plans to show the gross square footage of the proposed addition*
 - Materials and colors of the proposed signage - *item remains outstanding*
- B. The Board temporarily waived the following completeness items, requiring they be provided as part of resolution compliance if the application is approved:
- #16 – Final Plat/ Site Plan
 - #21 – Engineer’s Cost Estimate
 - #23 – “As-Built” Plans or Final Plats
 - #39 – Developers Agreement
 - #59 – Applicant’s Engineer Certification

IV. VARIANCE DISCUSSION

- A. **Existing Non-Conforming conditions:** The Applicant has three existing non-conforming conditions that will not be exacerbated as a result of this application:
1. **Lot Area:** where a minimum of 6,000 SF is required but 5,411.50 SF remains existing. (CBD Redevelopment Plan, Bulk Standards pg. 6)
 2. **Lot Width:** where a minimum of 75’ is required for a corner lot but 52.09’ exists. (CBD Redevelopment Plan, Bulk Standards pg. 6)
- Lot Coverage:** where a maximum of 90% is required but 99.6% remains existing. (CBD Redevelopment Plan, Bulk Standards pg. 6)
- B. **Requested Variances:** The Applicant requires the following “c” bulk variance relief:
1. **Rear Yard Setback:** where a minimum of 25’ is required but 0’ exists, and 0’ is proposed for the vertical extensions (CBD RDP – Bulk Standards pg. 6)
 2. **Parking Spaces:** where a minimum of 48 parking spaces are required due to the change of use but 0 spaces are existing and proposed. (Section 185-174.A)

C. Bulk Table: Compliance with the bulk requirements of the Central Business District Redevelopment Zone is as follows:

Bulk Requirements	Required	Existing	Proposed
Lot Area (Min.)	6,000 SF	5,411.50 SF (E)	No change
Lot Width (Min.)	75'	52.09' (E)	No change
Front Setback- South Orange Ave. (Min.)	0'	0'	No change
Front Setback- Alleyway/East (Min.)	0'	0'	No change
Side Yard Setback (West) (Min.)	0'	0'	No change
Rear Yard Setback (Min.)	25'	0' (E)	0' (V)
Lot Coverage (Max.)	90%	99.6% (E)	No change
Building Height (Max.)	48'	41'	No change
Number of Studio Units (Max.)	10% of total units = 1 unit	N/A	0 units
Number of 2-Bedroom Units (Min.)	20% of total units = 2 units	N/A	2 units
Unit Area (Min.)	400 SF	N/A	481 SF
Parking Spaces (Min.)			
1/300 SF of bank	6 spaces	0 (E)	No change
1/50 SF patron use for bagel shop	24 spaces	0 (E)	No change
2 per residential unit	18 spaces	N/A	0 spaces
	Total = 48 spaces	0 (E)	0 spaces (V)
Bicycle Parking (Min.)			
1 per 3 residential units	3 spaces	N/A	9 spaces
Plus 10% for guests	1 space	N/A	Applicant to confirm
	Total = 4 spaces	N/A	Applicant to confirm
Pedestrian Entrances	Separate from service entrances	N/A	No separation (W)
Rooftop Utility Screening	Screened from public R.O.W.	No Screening Existing	6' high corrugated metal screening proposed to shield utility equipment from view
Ground-Floor Transparency (Min.)	60% for front	39% (E)	No change
Ground-Floor Transparency (Min.)	60% for side/rear	0% (E)	9% (W)
Wall Sign Area (Max.)	1.5 SF per 1' of building width (222.3 SF)	59 SF	49.4 SF
Wall Sign Letter Height (Max.)	24"	N/A	<24"
(E) Existing Non-conforming (V) Variance Required (W) Waiver Required			

D. Requested Design Waivers: The Applicant requires the following design waiver relief:

- Pedestrian Entrances:** Where all pedestrian entryways and/or lobbies shall be separate from service entrances, no separation is proposed for the new entry at the rear. (CBD RDP, Design Standards pg. 13)
- Ground Floor Transparency:** The proposed redesign of the front facade does not change the existing non-conforming transparency of 39% where 60% is required. The proposed door on the side facade brings the non-conforming transparency condition closer to conformance, from 0% to 9%. (CBD RDP, Design Standards pg. 13)

E. The Standard for “C” variance relief under N.J.S.A 40:55D-70:

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 have been satisfied. The criteria is as follows:

For a c(1) variance, the Applicant must prove hardship:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
- By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- By reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act (40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such a property, grant, upon an application or an appeal relating to such a property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship
- AND that such relief from the zoning ordinance will not be substantially detrimental to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

For a c(2) variance, the Applicant must prove:

- that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and
- that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance (negative criteria).

V. PLANNING COMMENTS:**A. Use + Site Plan Comments:**

1. The Applicant should provide an overview of the existing and proposed conditions and relationship to the community and public realm. A summary of the proposed uses and the relationship of uses to each other should be discussed in context with the goals of the Central Business District Redevelopment Plan.
2. The Applicant shall provide testimony to how they will be meeting the affordable housing standards, which are incumbent on any development with more than 5 bedrooms, per Ordinance Sections 185-223 to 226.

1.8 or 2 affordable housing units are required for this development. The Applicant can either provide 2 affordable housing units or provide 1 affordable housing unit with a fractional payment of \$80,000 for the 0.8 affordable housing units to the Village’s Affordable Housing Trust Fund. The Applicant should confirm that the units meet UHAC bedroom standards.

To advance the South Orange Affordable Housing policies, the affordable units on this property should be two- or three-bedroom units. We recommend that if the payment in lieu option is used for the fractional unit, then the Applicant create a three-bedroom affordable unit on-site. If the payment in lieu option is not used and both units are located on-site, there should be two 2-bedrooms or one of each 2- and 3-bedrooms, and one unit must be marketed to a low-income household, and one must be marketed to a moderate-income household.

3. Testimony should be provided on the operations of the commercial spaces including hours of operation, employees, and site traffic, and the impacts of the proposed development on these existing spaces.
4. The Applicant should discuss the residential use including amenities, building access, pet allowances/service stations, and other quality of life provisions.
5. The Applicant should provide an overview of all requested variances from the requirements of the Redevelopment Plan. Where variances occur, the Applicant should discuss why the variance is necessary or beneficial, and what is proposed to mitigate the impacts of the variance.
6. The Applicant should discuss all proposed site demolition and if a temporary construction easement from the Village is required. A pedestrian detour plan should be provided. The Applicant should participate in a pre-construction meeting with the Board Professionals prior to site construction.
7. The Applicant should provide testimony regarding any coordination with the County, Soil Conservation District, and other outside governmental agencies.
8. The existing rear yard setback listed on the bulk chart on the architecture plans and engineering plans should be revised to be consistent with one another.

B. Architecture + Signage Comments:

1. The Applicant should provide an overview of the proposed building addition design, massing, colors, and materials along with the additional proposed improvements to the existing building. The Applicant should discuss and confirm compliance with the architectural design standards of the CBD Redevelopment Plan (pg. 13 & 14).

Material samples and/or renderings should be presented to show each facade and the human-scale experience at along the ground floors. We recommend any finalization of design items be done in conjunction with the Design Review Board.

On October 22, 2021, the Applicant's Architect submitted a response letter providing answers to the below comments and this should be discussed with the Board:

- a. The Applicant should provide testimony regarding the removal and reinstallation process of the existing pedestrian walkway improvements in order to construct the building addition and façade improvements.
- b. The Applicant should discuss the cleaning, repairing, and restoration process of portions of the existing building as noted on the plans.
- c. An additional column of windows should be added to the west elevation for greater vertical articulation and provision of light into the building.
- d. Due to the existing high percentage of lot coverage, the Applicant should provide testimony regarding the implementation of sustainable features and improved storm water management elements on the Site that will remediate the high level of lot coverage.
- e. Testimony should be provided regarding the proposed trash and recycling enclosure and how trash will be transferred to the refuse area. The Applicant shall provide testimony regarding waste management and removal from the proposed refuse area and the frequency of waste removal.
- f. We defer to the Board Engineer for all other comments regarding utilities, grading, drainage, stormwater management, soil erosion and sediment control, safety, and noise generation.

2. The Applicant should confirm that the proposed 6' tall rooftop screening and bulkhead will be of the same material and color as the proposed façade and will be sufficient to effectively shield the rooftop equipment from view. The Applicant should revise the architecture plans to confirm the building height, as the elevation plan dimensions and bulk chart have inconsistent numbers.
3. The Applicant proposes new signs which is an improvement to the façade and compliant with the size standards of the Ordinance. The materials and colors of the proposed signage should be provided on the plans and all final signage designs, materials, and colors should be done in coordination with the Design Review Board prior to building permits.

C. Parking + Pedestrian Comments:

1. The Applicant requires a variance for the number of parking spaces due to the proposed residential use of the building and existing site constraints. The Applicant should provide a parking strategy and testimony consisting of the following:
 - a. Current parking strategy for retail and office uses
 - b. Availability of leasable parking spaces within close proximity of the Site
 - c. Coordination with SOPA or adjacent properties regarding parking agreements
 - d. How parking will be dedicated for the commercial uses and the residential units

If the Applicant cannot meet the parking requirement or find a satisfactory off-site strategy, the Board and Applicant should discuss whether a payment in lieu could be provided to offset the deviation and be used towards offsite facilities for shared parking, shared loading, public transportation improvements, ride share facilities, pedestrian improvements, etc.

2. The Applicant shall provide testimony regarding emergency vehicle access, specifically fire trucks and ambulance access.
3. The Applicant should provide testimony regarding the logistics of truck deliveries, frequency of truck access, and expected timing of loading access and deliveries. Importantly, the Applicant should provide testimony regarding the move-in / move-out logistics including internal routes and moving truck parking.
4. The pedestrian walkway connecting South Orange Avenue and the Sloan Street municipal parking lot is a heavily traversed path that will likely be impacted by this project. Testimony should be provided regarding how construction will impact pedestrian circulation, and if applicable, a pedestrian detour plan should be provided for review and approval by the Board Professionals prior to site construction.
5. The Applicant proposes a bicycle rack in each unit (9 total bicycle racks) and a bicycle storage area on the second and third floors which is compliant with the bicycle parking requirement of the Ordinance. The Applicant should confirm the number of bicycle racks within the storage areas and the construction detail of the bicycle racks on the plans.
6. The Applicant should provide testimony regarding the required waiver for the lack of separation of the proposed residential entrance on the property from the proposed retail storage/loading area. The Applicant should make best efforts to avoid conflicts with the residential lobby and the storage/loading area.
7. The Applicant should confirm with a note on the plans that the proposed walkway pavers will match the existing pavers.
8. Testimony should be provided regarding the minor landscaping and lighting improvements. As much landscaping as possible is recommended to help offset the high impervious coverage and rear yard setback variance. Lighting should ensure safe ingress and egress of the residential lobby and ATM vestibule.

9. The Applicant should provide testimony regarding all proposed lighting improvements. We recommend all fixtures on the Site be a maximum of 3000K.
10. The Applicant should provide testimony regarding the relocated light pole and any necessary coordination with the County, Village, and PSE&G.

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

Sincerely,



Greer Patras, AICP, PP
Board Planner

RW: Justin Cutroneo