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Planning Report #1

DATE: January 25, 2019

TO: South Orange Planning Board – Chair and Board Planners

SUBJECT: Application #266
184 Valley Street - Block 2003, Lot 1
Preliminary and Final Site Plan with Bulk Variances

APPLICANT: Jeremiah Holder and Amelia Holder-Cruz
195 Main Street, Apt 4B
Millburn, NJ 07041

ATTORNEY: Jay Bohn
Schiller, Pittenger & Galvin, P.C.
1771 Front St, Suite D
Scotch Plains, NJ 07076

The purpose of this memorandum is to provide the Board with planning compliance and guidance for Application #266, submitted by Jay Bohn, Esq. on behalf of Jeremiah and Amelia Cruz. The Applicant proposes to construct a 3-story mix use building, with ground level commercial, and two residential apartment units.

In our preparation for this report, we reviewed the following items:

- A. **Application Form**, filed December 17, 2018.
- B. **Site Plans, Elevations, and Floor Plans**, consisting of nine pages, prepared by Daniel Roma, R.A. of Artek Studio, LLC, dated November 2, 2018.
- C. **South Orange Historic Preservation Commission Report**, dated January 21, 2019.

II. Completeness

The Application was deemed *conditionally complete* at the January 7, 2019 pending presentation to the Historic Preservation Committee, the submission of a Traffic Study, and some other procedural/clerical revisions and submission edits. These items were required to be submitted 10 days prior to the scheduled hearing.

As of the issuance of this letter, we have received an Historic Preservation Report, but we not received the remainder of the required documents. A list of the outstanding items from our January 4, 2019 Completeness Report is attached at the end of this report.

III. Site Overview

- A. *Existing Conditions*: The site is located at 184 Valley Street, at the northeast corner of 4th Street and Valley Street/County Route 638. The 0.08-acre site contains a paved blacktop surface lot with no structures, and is currently used for parking. The site is within the B-2

Business zone, and is an undersized lot at 3,679 SF, where minimum 10,000 SF is required, with only 27.5' of frontage on Valley Street and 144' of frontage on 4th Street.

- B. *Neighborhood Context.* The site is located along a commercial corridor with auto-retail uses, banks, professional office, and general retail. A major mixed-use development (Third and Valley) is situated diagonally across Valley Street. The adjacent properties to the east along 4th Street are single- and two-family homes within the RB Residential Two-Family zone.



- C. *Prior Applications.* This site has been the subject of two recent Planning Board applications (filed by different applicants), both of which have been denied, as follows:

1. Application #241 – denied August 3, 2015. The Applicant proposed ground floor retail with entrance on Valley Street, and 4 “loft style” apartments, with three stories at the front and stories at the rear. Three parking spaces were located under the building, three on a surface parking lot.

The Board found substantial problems regarding the size and scale of the use and building, particularly as it related to the building envelope and impervious coverage, as well as insufficient number of parking spaces and configuration relative to pedestrian safety along the sidewalk.

2. Application #248 – denied May 2, 2016. The same Applicant as above returned with a revised plan, including the building reduction by 25%, reduction from 4 to 3 residential units, increased front yard setback, and some façade improvements.

The Board found substantial problems remained, regarding the size of the building, the lack of integration with the neighborhood, as well as insufficient number of parking spaces and configuration.

IV. Application Proposal

- A. The Applicant proposes to construct a new 3-story, mixed-use building which will contain 2 retail units and 2 residential units. The proposed layout is as follows:

- Ground-floor (1,600 SF total)
 - “Store A” (533 SF)
 - “Store B” (267 SF)
 - “Exam Room” (124 SF)
 - Shared Lobby Space and 2 bathrooms (approx. 520 SF)
 - Entrance and stairwell to residential units (200 SF)
- Second-floor
 - One 3-bedroom residential unit (1,283 SF)
- Third-floor
 - One 3-bedroom residential unit (1,283 SF)
- Basement space
 - Storage / utilities rooms (300 SF)
 - The remaining space is unexcavated crawl space)
- Additional site improvements include:
 - 5 parking spaces including 1 handicap space
 - Proposed sign package

V. Zoning Compliance

- A. Retail stores, offices, and second floor apartment units do comply with the use requirements of the B-2 zone.
- B. The proposed building does not comply with the bulk requirements of the B-2 zone.
 1. The lot has the following existing non-conforming conditions that are not proposed to change:
 - a. Minimum Lot Area (10,000 SF required; 3,679 SF existing)
 - b. Minimum Lot Width (100’ required; 27.5’ existing)
 2. The Applicant requires the following new “C” bulk variances as follows:
 - a. From the side yard setback requirements to the north, where minimum 10’ is required, but 3.3’ is proposed to the adjacent property. (§185 Attach 3)
 - b. From the side yard setback requirements to the south, where minimum 10’ is required, but 0’ is proposed to 4th Street. (§185 Attach 3)
 - Per the ordinance, the “front lot line” contains the primary entrance, and the others are sides. Typically, all frontages on right-of-ways are considered “front yards”. If the Board considers the 4th Street a “front”, then a 15’ setback is required.
 - c. From the parking requirements, where 9 spaces are required for the mixed-use building, but 5 spaces are proposed. (§185-174A)
 - d. From the parking setback requirements, where minimum 5’ is required to non-business uses, but 0’ to 1’ is proposed. (§186-113(3))

The following bulk chart is provided for reference:

B-2 Business Zone	Required	Existing	Proposed
Lot Area (Min.)	10,000 S.F.	3,679 S.F (e)	No Change
Minimum Lot Width (Min.)	100'	27.5' (e)	No Change
Front Yard Setback (Min.) - Valley St.	15'	0' (V)	15'
Side Yard Setback (Min.) - 4 th Street	10' (!)	N/A	0' (V)
Side Yard Setback (Min.) - North	10'	N/A	3.3' (V)
Rear Yard Setback (Min.)	25'	N/A	54.2'
Lot Coverage (Max.)	75%	91.5% (e)	74%
Building Height (Max.)	3 stories/36'	N/A	3 stories/36'
Parking Spaces (Min.)	9 spaces	N/A	5 spaces (V)
Parking Lot Setback (Min.)	5'	N/A	0' (V)
(e) Existing Non-Conformity (V) Variance Required			
(!) Per Ordinance definition, the "front" will be the façade with the primary entrance.			

- C. 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. 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).

VI. General Comments:

- The Applicant should provide an overview of the proposed development. Testimony should be provided regarding access and security between the two stores, as well as between the commercial and residential uses. The Applicant should confirm that there will be no residential or commercial occupancy of the basement level.
- Particular attention should be given to the use of the ground floor, which shows two "stores", an exam room, and a shared lobby, and two bathrooms. The plans should be

clarified to show use, function and ownership of the exam space. Testimony should be provided regarding hours of operation, number of employees and clients, and all pickups and deliveries.

- C. The labels on the residential floor plans should be revised to contain the correct square footage. 706 SF is shown, whereas approximately 1,283 SF is provided.
- D. The Applicant should discuss the proposed architecture, relative to connectivity with residential and commercial design in the surrounding neighborhood. Color and material samples should be presented for review.

We note that the majority of the three-story building is at the maximum permitted building height (36' tall), while the stairway tower providing access to the roof reaching approximately 41' tall. In prior applications, the Board expressed concern regarding the rooftop appurtenance, especially when compared to adjacent buildings.

We offer particular concern regarding the lack of articulation and windows, in combination with the height and the reduced setback. Taken together, the result is a 36' blank wall approximately 3' from the adjacent property.

The Applicant should respond to comments and recommendations made by the Design Review Board and the Historic Preservation Committee. At the Board's request, we can provide additional recommendations regarding possible architectural improvements for roof height and pitch, façade articulation, colors, and materials.

The architecture plans provided to us were not to scale at 1/4"=1'-0". This should be corrected.

- E. Use of and access to the roof should be discussed. The location of all roof-mounted mechanical equipment should be shown on the plans, with details regarding visual impact, screening, and equipment.
- F. Testimony should be provided regarding trash storage and pick-up. We recommend the trash enclosure be constructed of the same masonry material as the building, and that the gates be visually solid. Details should be provided.
- G. Detailed testimony should be provided regarding the proposed parking, relative to number of spaces for residential tenants and guests and commercial tenants and customers. We offer the following:

1. The Applicant has provided a parking calculation for the ground floor based on a rate of 1 space per 250 SF for 924 SF of commercial space. However, parking for retail sales, businesses providing personal service or instruction, professional offices, and even medical clinics requires parking at a rate of 1 per 300 SF of the total gross floor area.

As such, 5 spaces are required for the commercial uses, and 4 spaces are required for the two 3-bedroom units, for a total requirement of 9 spaces. 4 standard spaces and 1 handicap accessible space are proposed. This should be discussed.

2. Management of shared parking spaces should be described.
3. The safety of ingress/egress to the parking spaces should be described by traffic engineer, with particular attention to cars backing out onto 4th Street, over the sidewalk, and within 100' of the intersection. Pedestrian visibility should be assessed and described.

4. The parking lot 0' to 1' from the property line adjacent to the residential neighbor, where 5' setback is required. This 5' setback is required to contain landscaping and/or fencing to screen the parking, but neither are provided.

More importantly, impacts to circulations should be evaluated; we defer further comment to the Fire Department.

H. The Applicant should provide testimony regarding compliance with ADA and NJ Barrier Free Subcode requirements.

1. The handicap accessible parking space must be "van-accessible", which requires an 8' wide stall and an 8' wide access aisle. A 5' access aisle is currently proposed. Compliance with the requirement may require removal of a parking space and/or reduction of the building size.
2. The location of required signage should be shown on the plans.
3. A grading plan should be provided to demonstrate accessible routes from parking to retail areas.

I. The location of required bicycle parking should be shown on the plans with details.

VII. Lighting and Landscaping Comments

A. The lighting shown on the architecture plan is inconsistent with the lighting plan. This should be corrected. Our comments below address the lighting plan.

B. We find that the lighting design may be too intense given close proximity to adjacent residential uses and zones. We offer the following comments to reduce off-site impacts:

1. A lighting plan note states "all light fixtures shall point downward and/or produce no glare", however an "up and down" fixture detail is provided. A downward facing fixture detail should be provided.
2. The detail sheet identifies a "light temperature" up to 5700°K, which is an intense white/blue light. We recommend this be reduced to 2700 to 3000°K, which is a warmer yellow light.
3. The Applicant and the Board should discuss the need for the four wall-mounted lights located only 3 to 5' from the adjacent property. This area will not be accessed by residential or commercial users, and may not need such illumination.
4. The Board and the Applicant may wish to discuss a shorter mounting height for the proposed light pole in the rear parking area, located only 15' from the residential neighbor. Additionally, we recommend that the light pole be setback 3' from the parking space and centered on the parking stall line to avoid conflicts with vehicles. A detail should be provided to show the pole and footing and the location of transformers and meters should be shown on the plans.
5. House-side shields should be provided on all fixtures visible from residences, as required.

Given proximity to adjacent residential uses, we recommend that all lighting be downward facing and full cut-off pursuant to "Dark Sky" standards, and that all lights associated with the commercial use be turned off within 1 hour of business closing, to reduce impacts on neighbors,

C. Any proposed improvements to the existing retaining wall and stairs should be shown on the plans.

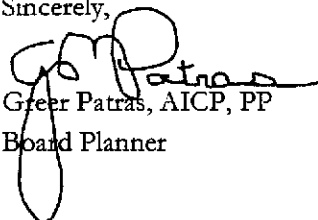
- D. The location of the proposed fence should be clearly identified on the plans, and details should be provided to confirm compliance with the Ordinance. Conflicts with existing/proposed landscape material should be resolved.
- E. The landscape plan as shown is insufficient to determine compliance with the Ordinance. The landscape schedule should be revised to contain all proposed trees and shrubs, update quantities, and should be consistent with the images provided. The proposed street trees should be identified and compliance with the Ordinance requirements discussed. All labels should be clarified to identify "to be removed" or "to remain" and tree protection fencing should be shown. At a minimum, street additional street trees, foundation plantings, and evergreens for residential buffering should be considered.

Finally, as indicated in the initial completeness review for this application, the following must be submitted to the Township/Board Professionals for review/approval if the Board votes favorably, as applicable:

- Water/Sewer/Utility Letter
- Certification from Applicant's Engineer and Engineer's cost estimate.
- Revised Engineering and Architecture Plans showing all updates, revisions, and notes as outlined by the Resolution of approval and Professional Reports, unless otherwise discussed. A response letter should be submitted identifying all revisions to the plans.
- "As-Built" Plans or Final Plats

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

Sincerely,



Greer Patras, AICP, PP
Board Planner

VIII. Completeness Determination Status (from our January 4, 2019 Completeness Report, with edits)

At this time, the application can be deemed **CONDITIONALLY COMPLETE** upon submission of the following items at least 10 days before a scheduled hearing:

- Item #5 – Applicant shall request certified property list and place on cover page of site plan.
- Item #19 – Applicant shall provide traffic & parking impact assessment to address shortage of parking, overall parking configuration plan, and mitigation to potential problems.
- Item #30 and #54 – Applicant erroneously calculated parking requirement as 7 spaces (3 for commercial, 4 for residential). However, the required parking for commercial and residential is 9 spaces (see calculation previously calculated above). Therefore, Applicant shall revise zoning schedule to reflect variance for 9 required spaces.
- Item #41 – Applicant shall revise cover page with signature block for Board Chairperson, Secretary and Engineer.
- Item #42 – Applicant shall provide confirmation all federal, state, county and local permits or approvals have been/will be obtained. Specifically, County confirmation due to Valley Street being a County Highway.
- Item #47 – Applicant shall provide statement and/or details on site plans detailing collection, storage, and disposal of solid waste and recyclable material.
- Item #49 and #50 – Applicant shall provide current topographic and boundary survey of existing conditions.
- #52 – Applicant shall provide a grading and stormwater management plan in accordance with completeness checklist.
- Item #53 – Applicant provided circulation plan elements on landscaping plan. Applicant shall provide circulation plan and landscaping plan as two different plan sheets.