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Newark, NJ 07105

Planning Report #2

DATE: March 1, 2019
TO: South Orange Planning Board
SUBJECT: Application #266
184 Valley Street - Block 2003, Lot 1
Preliminary and Final Site Plan with Bulk Variances
APPLICANT: Jeremiah Holder and Amelia Cruz-Holder
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 updated planning comments regarding the revised site plan and architecture plans for Application #266, submitted by Jay Bohn, Esq. on behalf of Jeremiah Holder and Amelia Cruz-Holder.

We issued our Planning Report #1 on January 25, 2019. On February 25, 2019, we received a revised submission, which significantly amended the site design, parking configuration, interior layout and use, and architecture.

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, last revised February 21, 2019. (*Note: sheets say "# of 11" but only 9 total sheets are provided.*)
- C. **South Orange Historic Preservation Commission Report**, dated January 21, 2019.
- D. **Traffic Impact Memorandum**, prepared by Dynamic Traffic, dated February 21, 2019.

I. 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.

II. Application Proposal

A. The Applicant *originally* proposed to construct a new 3-story, mixed-use building which will contain 2 retail units and 2 residential units, and surface parking lot, as follows:

- Ground-floor (1,600 SF total) with “Store A” with entrance on Fourth Street (533 SF), “Store B” with entrance on Valley Street (267 SF), “Exam Room” (124 SF), and Shared Lobby Space with 2 bathrooms (approx. 520 SF), as well as Valley Street entrance and stairwell to above 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 included:
 - 5 parking (including 1 handicap space) spaces in a rear surface lot
 - Proposed sign package for commercial uses
- B. The Applicant has revised the plans, and **now proposes** to construct a new 3-story, mixed-use building which will contain 1 retail unit and 2 residential units, enclosed parking garage and surface parking. The proposed layout is as follows:
- Ground-floor (1,592 SF total)
 - Enclosed Parking Garage for 4 stacked parking spaces, with 2 garage doors (800 SF)
 - “Store Area” with entrance on Fourth Street (411 SF)
 - Valley Street entrance, corridor to parking garage, and stairwell to above residential units (350 SF)
 - Second-floor
 - One 3-bedroom residential unit (1,327 SF)
 - 16’ long x 3’ wide balcony at rear, to contain two AC units
 - Stairwell (200 SF)
 - Third-floor
 - One 3-bedroom residential unit (1,327 SF)
 - 16’ long x 3’ wide balcony at rear, to contain two AC units
 - Stairwell (200 SF)
 - Rooftop
 - 351 SF flat rooftop area accessed via pull down ladder within third floor unit.
 - Basement space
 - Storage / utilities rooms (300 SF)
 - The remaining space is unexcavated crawl space
 - Additional site improvements include:
 - 2 surface parking spaces including 1 handicap space
 - Proposed sign package

III. 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 front yard setback requirements on 4th Street, where minimum 15’ is required, but 0’ is proposed. (**\$185 Attach 3**)

- b. From the side yard setback requirements to the north, where minimum 10' is required, but 4.3' is proposed to the adjacent property. (§185 Attach 3)
 - c. From the parking setback requirements, where minimum 5' is required to the property line, but 1.5' is proposed to the north/side property line. (§186-113(3))
 - d. From the parking setback requirements, where minimum 5' is required to the property line, but 0' is proposed to the front property line on 4th Street. The proposed parking lot is actually 3' over the property line and within the right-of-way. (§186-113(3))
 - e. For not providing any buffering or screening between parking and public roadway, where a minimum 36" tall screen is required. (§186-113(15))
3. The Applicant should confirm the impervious coverage, as it appears that this revised submission may have an increased calculation.

The following bulk chart is provided for reference:

B-2 Business Zone	Required	Proposed
Lot Area (Min.)	10,000 S.F.	No Change
Minimum Lot Width (Min.)	100'	No Change
Front Yard Setback (Min.) - Valley St.	15'	15'
Front Yard Setback (Min.) - 4 th Street *	15'	0' (V)
Side Yard Setback (Min.) - North	10'	4.3' (V)
Rear Yard Setback (Min.)	25'	54.3'
Lot Coverage (Max.)	75%	74% **
Building Height (Max.)	3 stories/36'	3 stories/34' ***
Parking Spaces (Min.)	6 spaces	6 spaces
Parking Lot Setback – Side (Min.)	5'	1.5' (V)
Parking Lot Setback – Front (Min.)	5'	-3' (V)
Parking Lot Screen – Front (Min.)	36" tall	None (V)
(e) Existing Non-Conformity (V) Variance Required * Per Ordinance definition, the "front" will be the façade with the primary entrance. This is a corner lot with two frontages. The primary entrance for the residential use is on the Valley Street frontage. The primary entrance for the commercial use is on the 4th Street frontage. ** See comment V.B.3 regarding coverage calculations. ** Building height is measured from average of existing ground elevation to highest point of the roof structure. The proposed overall height is 37' tall from the Valley Street frontage and 31' from the rear.		

- 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:

- a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
- b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or;
- c) 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:

- a) that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement and
- b) 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).

IV. General Comments:

- A. The Applicant should provide an overview of the proposed development. Testimony should be provided regarding access and security between the commercial and residential uses. The Applicant should confirm that there will be no residential or commercial occupancy of the basement level.
- B. Testimony should be provided regarding the commercial use hours of operation, number of employees and clients, and all pickups and deliveries.
- C. The architecture has been revised since the original submission. This submission does not contain any colors or materials for the façade, roof, windows, garage doors, railings, etc. These details should be provided on the plans for review and comment and color and material samples should be presented to the Board.

The Applicant should discuss the proposed architecture, relative to connectivity with residential and commercial design in the surrounding neighborhood.

The Applicant should respond to comments and recommendations made by the Design Review Board and the Historic Preservation Committee.

- D. Use of and access to the roof should be discussed. The Applicant has removed the proposed stairway tower to the roof, and now proposes a drop-down ladder from the 3rd floor residential unit. Details for this area should be clarified, including parapet height, fence height and materials, groundcover treatment, run-off, etc.
- E. The location of all mechanical equipment should be shown on the plans, with details regarding visual impact, screening, and equipment.
- F. Any proposed improvements to the existing retaining wall and stairs should be shown on the plans.
- G. Grading and stormwater management should be discussed.
- H. Testimony should be provided regarding trash storage and pick-up. It appears that the trash will be stored within 1' of the adjacent property line. If they will be located on a concrete pad, this should be shown on the plan. Details should be provided to show screening.
- I. Detailed testimony should be provided regarding the proposed parking, relative to number of spaces for residential tenants and guests and commercial tenants and customers. The commercial area has been reduced from the original approval, so that a parking variance

is no longer required. The ordinance requires 2 parking spaces for each residential unit and 2 spaces for the commercial space, for a total site requirement of 6 spaces. 6 spaces are proposed.

We offer the following:

1. Use and access to the garage parking spaces should be discussed. Management of shared parking spaces within the garage and on the surface lot should be described.
 2. 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.
 3. We offer concern regarding the limited backout area for both garage spaces and surface spaces.
 4. All circulation issues should be evaluated. We defer further comment regarding circulation safety to the Fire Department.
- J. The parking lot setback to the residential neighbor to the east has been revised to comply. However, the parking lot is 1.5' from the property line adjacent to the neighbor to the north, where 5' setback is required. This should be discussed, with attention to any buffering.
- K. The Applicant should provide testimony regarding compliance with ADA and NJ Barrier Free Subcode requirements.
1. A 3' wide portion of the required 8' wide handicap parking aisle is over the property line and within the right-of-way. We defer to the Board Engineer and Attorney regarding this arrangement, which does not comply.
 2. A detail 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.

V. Lighting and Landscaping Comments

- A. 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 flood lights are proposed at the rear. A full cut-off fixture 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 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.
 4. Additionally, we recommend that the light pole be setback 3' from the curb and not be in conflict with parked car doors. A detail should be provided to show the light pole and footing.
 5. The location of transformers and meters should be shown on the plans.


6. House-side shields should be provided on all fixtures visible from residences, as required.
 7. Given proximity to adjacent residential uses, we recommend that all lighting be downward facing and full cut-off pursuant to "Dark Sky" standards.
 8. We recommend that the Applicant confirm that all lights associated with the commercial use be turned off within 1 hour of business closing, to reduce impacts on neighbors.
- B. The landscape plan as shown has not been sufficiently revised to adequately demonstrate the proposed conditions or determine compliance with the Ordinance. The plan contains errors and inconsistencies:
- a. The plan shows trees on site that are not proposed. If these trees are existing and will remain, they should be noted as such and details should be provided regarding tree protection. If they are to be removed, they should be noted as such.
 - b. The schedule has incorrect tree types, plant image, and planting sizes. This must be corrected.
 - c. We have some concerns regarding the buffers, as the proposed shrub and spacing will not create a visual screen.
 - d. The tree canopy plan shows extensive coverage on the subject site from a 36" tree on the adjacent property. Disturbance to the root system of this tree should be discussed, and any proposed mitigation or protection.
 - e. We recommend improvements to additional street trees, foundation plantings, and evergreens for residential buffering should be considered, at a minimum.
- C. 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.

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
- 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.
- 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 Plans

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

Sincerely,



Greer Patras, AICP, PP
Board Planner