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60 Union Street, #1N, Newark NJ 07105

Planning Report #1

Date: April 2, 2020
To: South Orange Planning Board
From: Greer Patras, AICP, PP, Board Planner
Applicant: 320 PC Valley LLC
320 Valley Street, South Orange, NJ 07079
Attorney: Mr. Murphy Durkin of Durkin & Durkin, LLC
1120 Bloomfield Ave, West Caldwell, NJ 07007
Subject: Application #244
320 Valley Street (Block 35, Lot 2201)
Amendment to Resolution Conditions

The Applicant has returned to the Board to seek approval to amend a condition of the 2016 Resolution of Approval, to permit a yoga studio, where only office uses were permitted in the ground-floor commercial space. The following items were reviewed:

- **Architectural Floor Plans and Elevations**, prepared by Rotwein and Blake, dated July 9, 2015.
- **Resolution of the Planning Board**, decided January 4, 2016 and memorialized on February 1, 2016.
- **Application Summary**, provided by Murphy Durkin, dated February 18, 2020.

I. Prior Approval:

The Applicant received preliminary and final site plan approval with "C" variances on January 4, 2016 for a three-story mixed-use building, with a 2,400 square foot office space on the ground floor and 22 residential units above.

The project has since been constructed. The Applicant has received a TCO and is in the process of finalizing open items for a CO.

II. Current Proposal:

The Applicant currently requests approval to amend a condition of the 2016 Resolution of Approval, that would allow them to change the use of the first^{floor} commercial space from office to a yoga studio.

Per the Applicant's Attorney's summary, the Applicant has been unable to secure a tenant for their vacant facility on the first floor that was approved for use as an office only, but they have received interest for a yoga studio.

No changes to the site plan or building's exterior have been specified.

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III. Evaluation of Approval Conditions - Change of Use:

- 1) **Approved:** Resolution Condition #8 states *"The commercial space shall be used for office use only. No medical or retail use."*
- 2) **Proposed:** The property is in the B-2 zone, which permits mixed-use and commercial buildings. In this zone, a variety of retail services, including yoga studios, are permitted.

IV. Evaluation of Approval Conditions - Impacts to Parking:

- 1) **Approved:** Per the original 2016 approval, the Applicant received a variance for parking where 49 spaces were required, and 35 parking spaces were proposed/approved for the 2,400 SF office and the 22 residential apartments, at the following breakdown:

- Twenty-two (22) spaces were reserved for residential use (one space per apartment unit)
- Five (5) spaces were dedicated for residents' guests and visitors
- Eight (8) spaces remained for the office use.

The Resolution summarized the Board's granting of the parking variance: *"The Board notes that the parking deficiency can be justified by reason of the reduction in parking demand suggested by the Residential Site Improvement Standards in light of the project's proximity to the 31 bus line along Valley Street, as well as its proximity to the South Orange Village Train Station. The Board notes that prior approvals for multi-family residences within the Township have had similar parking ratios as the Applicant proposes and appear to function well without issue."*

- 2) **Required:**

The approved/required office use, as "business, professional, and executive offices" requires one parking space per each 300 SF of net floor area.

A yoga studio is classified as a "retail service providing personal services or instruction", which requires one parking space for every 300 feet of gross floor area.

The Applicant should clarify whether the change from net floor area to gross floor area changes the parking requirement, which are defined in the ordinance as:

- FLOOR AREA, GROSS - The floor area within the perimeter of the outside walls of a building, without deduction for hallways, stairs, closets, thickness of walls, columns or other features, including basements.
- FLOOR AREA, NET - The actual occupied area, not including accessory unoccupied areas or the thickness of walls.


V. Discussion Items:

- 1) The Applicant should provide testimony regarding anticipated site traffic for the yoga studio, including anticipated parking demands and modes of transportation used by clientele. This should include the yoga studio's hours of operation, class schedule, and expected turnout/limits on class sizes.

- 2) The Applicant should compare anticipated parking demands between office use and yoga studio use, particularly turn-over in the garage and availability of on-street parking.
- 3) The Applicant should provide testimony regarding whether there are any proposed changes to the building's interior layout to accommodate this alternate use. If there are, floor plans should be provided, with particular attention to any changes in floor area.
- 4) The Applicant should confirm that no changes are proposed to the building's exterior, particularly the front façade and windows.
- 5) The Board and the Applicant should discuss of whether the Applicant seeks to allow only office use and yoga studios, or any other anticipated future uses.

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

Sincerely,



Greer Patras, AICP, PP
Board Planner

