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## Completeness Report #2

Date: May 28, 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 containing an overview of the submission and all outstanding items. Subsequent documents were submitted by the Applicant, however some items remain outstanding. Our updated comments are included below in red, while the original contents from Report #1 remain in black text.

The following items were reviewed:

- **Completed Planning Board Application Form and Submission 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.
- **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

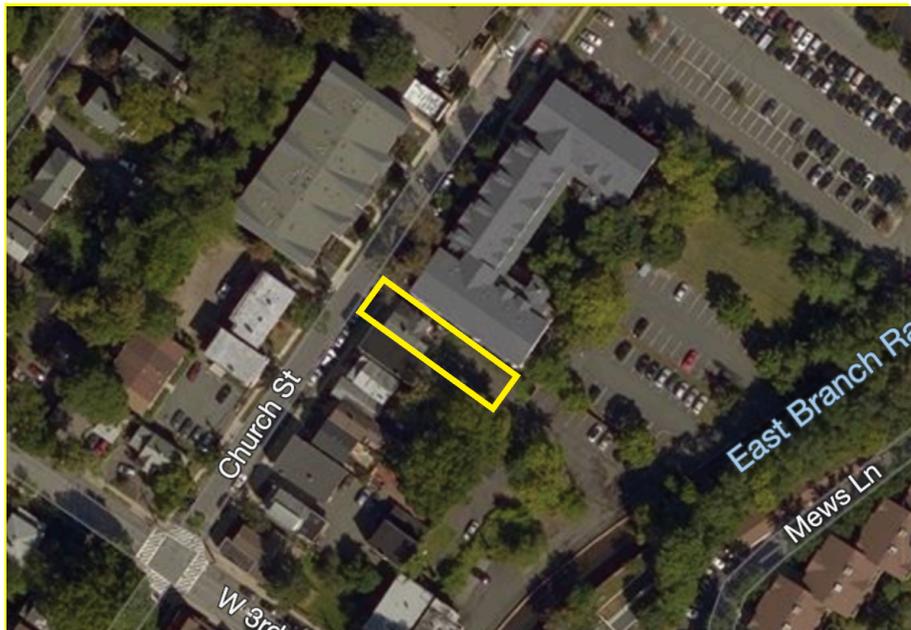
- A. **Neighborhood Context:** The property is located at 42 Church Street at the periphery of the Village's commercial district. The property is in the immediate vicinity of a number of different uses including professional offices, single and two-family residences, and multi-family residential buildings. 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 an attached 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 in the images below, aerial courtesy of Bing Maps, street view imagery 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 new front and rear porches.
- B. To reconfigure and expand the rear parking area as well as the front sidewalk, for an overall increase of 439 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. **Maximum Lot Coverage** - The Applicant is proposing an **impervious lot coverage of 3,049 SF or 90.5%**, where a maximum of 70% is allowed. This represents an exacerbation of the existing non-conformity of 77.4%. **(85.9% was previously proposed on the original submission).**

CS-R38 Zone Requirements	Required	Existing	Proposed
<b>Minimum Lot Area</b>	<b>20,000 SF</b>	<b>3,370 SF (E)</b>	<b>3,370 SF (V)</b>
<b>Minimum Width</b>	<b>200’</b>	<b>28.19’ (E)</b>	<b>28.19’ (V)</b>
Minimum Lot Depth	100’	128.7’	128.7’
Minimum Front Setback	8’	4.4’ (E)	8.4’*
<b>Minimum Side Yard Setback (northeast)</b>	<b>10’</b>	<b>0’ (E)</b>	<b>3.5’ (V)</b>
<b>Minimum Side Yard Setback (southwest)</b>	<b>10’</b>	<b>0’ (E)</b>	<b>0’ (V)</b>
Minimum Rear Yard Setback	15’	83.2’	61.4’
<b>Maximum Lot Coverage</b>	<b>70%</b>	<b>77.4% (E)</b>	<b>90.5% (V)</b>
Maximum Building Height	45’	2 stories <b>Appl. to provide</b>	2.5 stories 29.9’ tall
Minimum Parking Spaces	3.4 spaces	<b>Appl. to provide</b>	4 spaces
<b>(E)</b> Existing Non-Conforming <b>(V)</b> Variance Required			
* Note that site plan drawings should be revised to reflect this figure			

- C. 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 changes to traffic are anticipated as a result of this project and all off-street parking requirements are shown to be met on the plan, subject to the Applicant's confirmation of access to the rear parking area.
    - 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/Village 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 that accompanied the revised submission indicated that the proposed improvements are "negligible" and stormwater management is not warranted. Due to the variance request to exceed the maximum impervious coverage by nearly 30% and the proposed regrading, more information is required.
  - **#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.
- #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.
  - No additional information required for completeness, however, we have some questions/concerns regarding the information provided, and will coordinate with the Board/Village Engineer prior to public hearing. Additional information may be required for review/approval.
- #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.
  - This information is particularly important given the proposed grading and increase in impervious coverage from 77.4% to 90.5%. Additional information on buffers or mitigation measures to address sheet flow to the Rahway River and the adjacent properties is needed for completeness.
- **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.
  - Detailed information the proposed landscaping, including hardscaping and groundcover, any trees, bushes, etc., and a landscape schedule.
    - The information provided is adequate for completeness.
  - #46 – Architectural 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.
- 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