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Planning Report #1

Date: June 7, 2021
To: South Orange Planning Board
From: Greer Patras, AICP, PP, Board Planner
Applicant: Tania Roddi
Subject: Application No. 277
468 Valley Street, Block 2215, Lot 26
Preliminary & Final Site Plan with Bulk Variances

The purpose of this report is to provide the Planning Board with an evaluation of Application #277 submitted by Jay B. Bohn on behalf of Tania Roddi (the "Applicant"). The Applicant proposes to renovate the existing building and make it an indoor children's playground which will require preliminary and final site plan approval. The proposal will also require "c" bulk variance relief.

The following items were reviewed:

- **Planning Board Application Submission**, filed December 18, 2020.
- **Cover Letter**, written Jay B. Bohn, dated January 19, 2021.
- **Site Plan**, consisting of six sheets prepared by Bohler Engineering, dated March 15, 2021 and last revised on April 27, 2021.
- **Response Letter to Completeness Report #1**, written Jay B. Bohn, dated January 19, 2021.
- **Property Survey**, prepared by Morgan Engineering & Surveying, dated August 16, 2019.
- **Architecture Plan**, consisting of five sheets prepared by Jose Carballo Architectural Group, P.C., dated December 18, 2020 and last revised January 15, 2021.
- **Traffic & Parking Study**, consisting of eleven pages prepared by Dynamic Traffic, dated March 10, 2021 and last revised on May 17, 2021.
- **Essex County Planning Board Letter of No Interest**, written by David Antonio, P.P., AICP, dated January 22, 2021.
- **Essex County Planning Board Application & Attached Letter**, dated January 25, 2021.
- **Boundary & Topographic Survey**, prepared by Morgan Engineering & Surveying, dated March 30, 2021.
- **Revised Architecture Plan**, consisting of three sheets prepared by Jose Carballo Architectural Group, P.C., dated March 16, 2021.
- **Design Review Board Memo**, dated March 14, 2021.

I. EXISTING CONDITIONS

- A. **The Site:** The Site is a corner lot with frontage along Valley Street and Hixon Place and is located along the border of South Orange Village and Maplewood Township. The Site occupies 5,924 SF (0.14 AC) and contains an existing one-story commercial building which was previously a sandwich shop. The Site also contains a parking lot

with 6 parking spaces and a stockade fence which is located around most of the south and east sides of the building. The Site can be accessed via ingress/egress from Valley Street and Hixon Place.



Figure 1: Site Photo (04/06/21)

- B. **Neighborhood Context:** The Site is surrounded by a mix of uses including residential, commercial, and Columbia High School which is located in Maplewood Township. Adjacent to north and east of the Site are residential dwellings, where the dwelling to the north is in the Business B-2 zone but the dwelling to east is in the Residential RB zone. Across Valley Street to the west is a commercial building with a day care and nail salon, which is located in the Business B-3 zone.



Figure 2: Site Aerial Courtesy of Google

C. **Zoning:** Secondary Business (B-2)

D. **Traffic + Circulation:** Located on Valley Street (CR 638) and Hixon Place (municipal road), the Site has one curb cut along Valley Street and one curb cut along Hixon Place which both provide ingress/egress. Additionally, the South Orange train station is approximately 0.7 miles away.

II. PROPOSAL

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

1. Remove portion of concrete sidewalk, fence, post, and one tree
2. Renovate existing building with indoor and exterior improvements to convert it to an indoor children's playground
 - Building to be two-stories and 2,332 SF
 - First floor (1,359 SF) to have gym area, sensory tower, baby pond, climbing wall, seating area, front desk, and bathroom
 - Second floor (973 SF) to have playground equipment storage, equipment washing area, and staff bathroom
3. 6 parking spaces (1 handicap accessible and 1 employee parking) with two-way ingress and egress parking lot circulation
4. Landscaping, lighting, refuse area, fencing, bike rack, and signage improvements

B. **Bulk Table:** Compliance with the bulk requirements of the B-2 zone is as follows:

Bulk Requirements	Required	Existing	Proposed
Lot Area (Min.)	10,000 SF	5,924 SF (E)	No change
Lot Frontage (Min.)	N/A	90.9'	No change
Lot Width (Min.) ¹	100'	90' (E)	No change
Front Yard Setback (Valley Street) (Min.)	15'	28.5'	No change
Front Yard Setback (Hixon Place) (Min.)	15'	Applicant to confirm	No change
Side Yard Setback (North) (Min.)	N/A	1.7'	1.7'
Rear Yard Setback (East) (Min.)	25'	0.8' (E)	0.8' (V)
Lot Coverage (Max.)	75%	85.7% (E)	No change
Building Height (Max.)	3 stories / 36'	1 Story / 16'	2.5 Stories / 28.5'
Parking Spaces (1 space / 300 SF) (Min.)	8 spaces	N/A	6 spaces (V)
Parking Space Dimensions (Min.)	9' wide x 18' long	N/A	9' wide x 18' long
Aisle Width (Min.)	24'	N/A	24'
Fence Location	Not in front yard	N/A	In front yard (V)
Parking Lot Screening	Screening from public street	N/A	No screening provided (W)

(E) Existing Non-conforming (V) Variance Required (W) Waiver Required

¹ The minimum lot width shall be measured at the minimum required setback line and maintained for a minimum distance of 40 feet to the rear of the minimum setback line. The minimum lot width at the right-of-way line shall be not less than 50% of the minimum required lot width.

III. VARIANCE DISCUSSION

A. The Applicant has three existing non-conforming conditions:

1. **Lot Area:** where 10,000 SF minimum is required but 5,924 SF is existing, and no changes are proposed. (Section 185 Attachment 3)
2. **Lot Width:** where 100' minimum is required but 90' is existing, and no changes are proposed. (Section 185 Attachment 3)
3. **Lot Coverage:** where 75% maximum is required but 85.7% is existing, and no changes are proposed. (Section 185 Attachment 3)

B. The Applicant requires the following "c" bulk variance relief:

1. **Rear Yard Setback:** where 25' minimum is required and 0.8' is existing, which is being exacerbated by the proposed increase in building height. (Section 185 Attachment 3)
2. **Parking Spaces:** where 8 parking spaces are required (1 space / 300 SF), but 6 spaces are proposed. (Section 185-174.A)
3. **Fence Location:** where no fence is permitted between the front building wall and the street. (Section 185-167.F.4)

C. The Applicant requires the following design waiver relief:

1. **Parking Lot Screening:** where the parking lot has to be screened from public streets, but no screening is proposed. (Section 185-113.O)

D. 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).

IV. PLANNING COMMENTS:

A. Use + Site Comments:

1. The Applicant should discuss the existing conditions/non-conformities and prior uses of the Site and provide an overview of the proposed project and compliance with the bulk and design guidelines.
2. The Applicant shall provide testimony to the general operations of the proposed indoor children's playground use such as:
 - a. hours and days of operation
 - b. number of employees
 - c. daily operations and types of special events
 - d. customers, and typical anticipated turnover time for each event
3. The Applicant should provide a complete overview of their Traffic and Parking Study and provide testimony to all proposed vehicle circulation and turnover on the Site. we defer further comment related to the report to the Board/Village Engineer.
4. The Applicant requires a variance for the number of parking spaces. Testimony should be provided regarding the availability of on-street parking spaces within close proximity of the Site to offset this deviation.
5. The Applicant requires design waiver relief for parking screening from a public street. Best efforts should be made to screen the parking lot from the public street and testimony should be provided if screening would pose an issue with sight lines.
6. The Applicant does not propose any loading areas on the Site. Testimony should be provided regarding the location and feasibility of loading and deliveries.
7. If drop-offs are anticipated due to on-site parking constraints, a dedicated drop-off space could be considered.
8. The Applicant should provide turning maneuverability templates for the parking spaces closest to the building and points of ingress/egress as well as turning templates for waste management trucks and emergency vehicles.
9. The Applicant shall provide testimony regarding expected frequency of truck deliveries and waste removal for the proposed use.
10. Compliance with ADA and NJ Barrier Free Subcode requirements should be discussed and noted on the plans.
11. The Applicant should provide a construction detail of the proposed "employee only" parking signage and painted directional arrows.
12. Testimony should be provided regarding if there will be any conflict with the proposed bike rack and handicap accessibility of the sidewalk. If conflict is anticipated, we recommend the Applicant consider a different bike rack location.

13. To avoid duplication of efforts, we have reviewed the Board Engineer's Planning report and agree with the comments made regarding pedestrian and vehicle circulation.

B. Landscaping + Screening Comments:

1. The Applicant should provide an overview and general maintenance plan of all landscaping areas. Particular focus should also be provided to the landscaping area at the corner of Valley Street and Hixon Place, which will be visibly prominent and one of the first things seen upon entering the Village.
2. The Applicant should provide testimony regarding tree removal and the proposed replacement trees and landscape improvements. We recommend that any significant trees that are being removed are replaced in coordination with Environmental/Shade Tree Commission's recommendation.
3. Section 185-113F requires that parking areas be *"suitably landscaped to minimize noise, glare and other nuisance characteristics, as well as to enhance the environment and ecology of the site and surrounding area."*

Specifically related to the front yards, Section O requires any off-street parking area that faces a public street must be screened by a wall, landscape berm, evergreen hedge or other natural landscaping not less than 3' tall.

The Applicant proposes 'Youngstown' Juniper which the Applicant states grows to 2' tall but our experience is 1' tall. We recommend an evergreen screen that provide 3' tall solid evergreen screening to reduce headlight clear and meet the intent of the ordinance.

4. The Applicant proposes an 8' tall fence along the eastern property line from the rear corner of the building to Hixon Place, as buffering to the adjacent residential property to the use and the parking. The ordinance discusses screening requirements in several locations in the ordinance:
 - a. Section 185-113K requires screening of the parking area from residential district: *"Any nonresidential off-street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residential district by a fence or wall not less than four nor more than eight feet in height, provided that a screening or hedge or other natural landscaping may be substituted for the required fence or wall if approved by the approving authority. The fence as required by this chapter may be waived by the approving authority if, in the authority's judgment, because of topographic or other unusual conditions, said fence is not necessary to screen adjoining residential property. The use of landscape berms may be used in lieu of fencing when approved by the approving authority."*
 - b. Section 185-167.F.4. does not allow fences in the front yard: *"Solid fences erected on or adjacent to a boundary line separating a residential use from a business or industrial use shall not be located nearer to the street line than the front wall, nearest to the said street, of any business or commercial building erected on said lot or adjacent lot."*
5. The Board and the Applicant should discuss the unique circumstances of a corner lot and the adjacent residential property and zone to determine the appropriate solution. The Board could consider granting the variance for a fence in the front yard to allow

for parking lot buffering, and having the fence step lower as it approaches the street to allow for sight lines and viewshed down Hixon.

6. Section 185-113 contains provisions regarding 5' parking lot setbacks to property lines, 4' sidewalks adjacent to buildings, curbing standards, and other locational requirements. The existing site does not comply with many of these standards. The Applicant should provide testimony regarding whether there are any improvements to or exacerbations of these non-conformities.
7. The Applicant shall provide testimony regarding grading changes, how drainage will be addressed, and all stormwater management measures. The existing coverage is 85.7% where 75% maximum is permitted in the zone. Any opportunities to reduce coverage and/or improve drainage should be considered.
8. The Applicant should provide testimony regarding utilities and if any new connections need to be made for electricity, water, sewer, etc. We defer to the Board Engineer on all other comments regarding utilities, grading, soil erosion, and drainage.

C. Architectural + Signage Comments:

1. The Applicant shall provide testimony regarding all proposed interior and exterior improvements, building elements, materials and colors, fenestration, and transparency levels into the project. The Applicant met with the Design Review Board (DRB) and incorporated many of the recommendations provided during that process. We defer to the Applicant and DRB for further comment.
2. The Applicant should confirm the color of the proposed brick on the south and west elevations.
3. The Applicant and the Board should discuss whether the continuing the brick and hardie plank façade design for the north and east elevation would mitigate the setback variances requested.
4. The Applicant proposes one sign on the front façade which complies with the Ordinance. The proposed illuminated sign shall be turned off at the close of business hours. A note should be provided on the plans confirming this. We recommend that any changes to the sign be done in coordination with the DRB.
5. The Applicant should provide a construction detail of the rooftop mechanical equipment screening.
6. The Applicant should provide testimony to all footcandle levels and make best efforts to mitigate the lighting spillover on the adjacent north and east properties.
7. The Applicant should discuss anticipated timing of the building mounted lighting and the lighting in the parking lot areas, as the lot is adjacent to residential uses. A note should be added on the plan confirming that all light fixtures shall be operated by a "dusk to dawn" timer or sensor, unless it is motion sensor activated. Motion-sensor light fixtures shall be controlled to shut off after 10 minutes and shall not be triggered by activity located off the property.
8. The Applicant should provide a construction detail for the light pole foundation. All light pole footings should be level with grade.
9. The Applicant should confirm, and provide a note on the plans, that all lighting will be fully cut-off, downward facing, and Dark Sky compliant.

10. The luminaire schedule and lighting plan should be consistent as the schedule lists an "A1" fixture, but the lighting plan does not show an "A1" fixture. It appears from the legend this may have been mislabeled "W-1". Plans shall be revised to resolve this inconsistency.
11. We recommend that the three different types of light fixtures use the same style, material, and color. The proposed 20' tall light pole height should not exceed the height of the existing fixtures along Valley Street. The reduction in height may require an additional bollard light, which would be a better alternative.

D. Procedural Comments:

1. The Applicant should provide testimony regarding any easements that will be required for the construction/renovation of the building which is within one foot of the property lines.
2. The County Planning Board submission should be revised as it states that 6 parking spaces are existing, and 8 parking spaces are proposed which is inconsistent with the proposal.
3. The Applicant should provide testimony to verify if there is proposed on-site food preparation for the proposed use. If such preparation will occur, the Applicant shall obtain approval from the County's Health Department and comply with N.J.A.C. 8:24 (Sanitation in Retail Food Establishments and Food and Beverage Vending Machines).
4. The Applicant shall make the following revisions to the site plan and bulk chart:
 - a. The building entrance should be shown on the site plan.
 - b. The bulk chart should be revised to say lot coverage instead of building coverage.
 - c. The site plan and bulk chart should be consistent for both front yard setbacks on Valley Street and Hixon Place.
 - d. There is no side yard setback requirement for corner lots in this zone, and the bulk chart should be updated accordingly.
5. As requested during the Completeness Hearing, the following items shall be provided as part of resolution compliance if this application is approved:
 - #12 – Completed County Health Department Application
 - #14 – New Jersey State Approvals (if applicable)
 - #16 – Final Plat/Site Plan
 - #21 – Engineer's Cost Estimate
 - #23 – "As-Built" Plans or Final Plats
 - #39 – Developer's Agreement / Fees
 - #42 – Approval's Statement

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

Sincerely,



Greer Patras, AICP, PP
Board Planner