

“JURY DELIBERATION SHEETS”

**201 WALNUT AVENUE APPLICATION
APPLICATION PB-22-003**

**APPLICATION FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH
ORDINANCE EXCEPTION TO ALLOW DIFFERENT FENCE MATERIAL AND RSIS
EXCEPTION FOR NUMBER OF PARKING SPACES TO ALLOW CONSTRUCTION
OF MULTI-FAMILY DEVELOPMENT ON PROPERTY DESIGNATED AS BLOCK
484, LOT 19.01 WITH A STREET ADDRESS OF 201 WALNUT AVENUE**

**PREPARED BY CRANFORD PLANNING BOARD ATTORNEY JONATHAN E. DRILL
FEBRUARY 24, 2023**

- 1. SHOULD THE BOARD GRANT THE EXCEPTION FROM PARAGRAPH 4.11.J(2) OF THE SACS PLAN, WHICH REQUIRES THAT ALL FENCING COMPLY WITH ORDINANCE SECTION 255-26, WHICH REQUIRES FENCING TO CONSIST OF WOOD OR BRICK MATERIAL, TO ALLOW THE FENCING PROPOSED FOR THE REAR OF THE PROPERTY ABUTTING THE NEIGHBORING LOT TO THE SOUTH TO CONSISTS OF WHITE VINYL MATERIAL?**
- A. HAS THE APPLICANT MET ITS BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT GRANTING THE EXCEPTION IS REASONABLE AND WITHIN THE GENERAL PURPOSE AND INTENT OF THE PROVISIONS FOR SITE PLAN REVIEW AND APPROVAL AND THAT LITERAL ENFORCEMENT OF THE SITE PLAN ORDINANCE REQUIREMENT WILL RESULT IN UNDUE HARDSHIP OR BE IMPRUDENT OR IMPRACTICAL?**
YES ____ NO ____

(ONLY IF QUESTIONS 1.A IS ANSWERED “YES” SHOULD YOU VOTE “YES” TO GRANT THIS EXCEPTION.)

2. SHOULD THE BOARD GRANT A DE MINIMIS EXCEPTION FROM N.J.A.C. 5:21-4.14(b), THE RSIS PROVISION WHICH REQUIRES 72 PARKING SPACES BASED ON THE NUMBER OF BEDROOMS IN EACH UNIT IN THE PROPOSED BUILDING, TO ALLOW THE APPLICANT TO PROVIDE 55 PARKING SPACES BASED ON 1.4 SPACES PER MULTIFAMILY UNIT IN THE PROPOSED DEVELOPMENT IN ACCORDANCE WITH PARAGRAPH 4.6 OF THE SACS PLAN?

**A. HAS THE APPLICANT MET ITS BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT GRANTING THE DE MINIMIS EXCEPTION IS REASONABLE AND WITHIN THE GENERAL PURPOSE AND INTENT OF THE RSIS AND THAT LITERAL ENFORCEMENT OF THE REQUIREMENT WILL RESULT IN UNDUE HARDSHIP OR BE IMPRUDENT OR IMPRACTICAL?
YES _____ NO _____**

**B. IN THIS REGARD, IS THE GRANT OF THE EXCEPTION CONSISTENT WITH THE RSIS, LIMITED IN SCOPE AND NOT UNDULY BURDENSOME, MEETS THE NEEDS OF PUBLIC HEALTH AND SAFETY, AND TAKES INTO ACCOUNT EXISTING INFRASTRUCTURE AND POSSIBLE SURROUNDING FUTURE DEVELOPMENT?
YES _____ NO _____**

(ONLY IF QUESTIONS 2.A AND 2.B ARE ANSWERED “YES” SHOULD YOU VOTE “YES” TO GRANT THIS DE MINIMIS EXCEPTION.)

3. SHOULD THE BOARD GRANT PRELIMINARY AND FINAL SITE PLAN APPROVAL?

A. DOES THE PROPOSED DEVELOPMENT AND THE SITE PLANS COMPLY WITH ALL PROVISIONS OF THE ORDINANCE AND THE RSIS?

YES ____ NO ____

(IF THE ANSWER IS “YES” TO QUESTION #3.A THEN YOU SHOULD VOTE “YES” TO GRANT PRELIMINARY AND FINAL SITE PLAN APPROVAL.)

B. IF THE PROPOSED DEVELOPMENT AND/OR THE SITE PLANS DO NOT COMPLY WITH ALL PROVISIONS OF THE ORDINANCE AND THE RSIS BUT THE BOARD GRANTED VARIANCES AND/OR EXCEPTIONS FROM ALL OF THE ORDINANCE AND RSIS REQUIREMENTS THAT ARE NOT COMPLIED WITH, DOES THE PROPOSED DEVELOPMENT AND THE SITE PLANS COMPLY WITH THE REMAINING ORDINANCE AND RSIS REQUIREMENTS?

(IF THE ANSWER IS “YES” TO QUESTION #3.B THEN YOU SHOULD VOTE “YES” TO GRANT PRELIMINARY AND FINAL SITE PLAN APPROVAL.)

C. IF THE BOARD HAS NOT GRANTED VARIANCES AND/OR EXCEPTIONS FROM ALL OF THE ORDINANCE / RSIS REQUIREMENTS THAT HAVE NOT BEEN COMPLIED WITH, CAN CONDITIONS BE IMPOSED REQUIRING REVISION(S) THAT WILL THEN MAKE THE PROPOSED DEVELOPMENT AND/OR SITE PLANS COMPLY WITH THE REMAINING ORDINANCE RSIS REQUIREMENTS?

(IF THE ANSWER IS “YES” TO QUESTION #3.C THEN YOU SHOULD VOTE “YES” TO GRANT PRELIMINARY AND FINAL SITE PLAN APPROVAL.)

D. IF THE PROPOSED DEVELOPMENT AND/OR THE SITE PLANS DO NOT COMPLY WITH ALL ORDINANCE AND RSIS REQUIREMENTS, AND VARIANCE AND/OR EXCEPTIONS RELIEF HAVE NOT BEEN GRANTED TO ALLOW THE DEVIATIONS, AND IF NO CONDITIONS CAN BE IMPOSED TO ACHIEVE COMPLIANCE, THEN YOU SHOULD VOTE “NO” AND VOTE TO DENY SITE PLAN APPROVAL.

4. IN THE EVENT THAT THE BOARD GRANTS SITE PLAN APPROVAL, SHOULD THE BOARD IMPOSE THE CONDITIONS ON THE ACCOMPANYING PROPOSED CONDITIONS LIST?

YES ____ NO ____