

LIST OF PROPOSED CONDITIONS

**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**

The following is a list of conditions that I suggest should be imposed on any approval that the Board grants to the 201 Walnut Avenue application. Since all of the conditions emanate either in the review memos and letters submitted by the Board professionals and which the applicant's attorney agreed to on the record during the hearing, or in the applicant's responses to questions asked during the hearing, or are from the Board's standard conditions set forth in the Board's rules, I believe that the applicant has consented to all of the conditions (with the only exception being the affordable housing conditions which emanate in the memo to the Board from CGH&P). To the extent that the applicant disagrees with this, its attorney will be indicating in a letter which conditions, if any, the applicant disagrees with and the Board will have to discuss those conditions during the March 1, 2023 hearing session (as well as discuss any of the proposed conditions with which any Board members disagree). I have organized the conditions in exactly the manner and order I would include them in any resolution of approval that I would draft for adoption by the Board. My list of proposed conditions is as follows:

1. **Revisions to Site Plans and Other Documents.** The applicant shall revise the site plans and other documents set forth below to the satisfaction of the Township Engineer in accordance with the comments set forth below. The revisions shall be made, and the site plans signed by the Township Engineer and Board Chair evidencing that the revisions have been made, no later than September 1, 2023 (which is six (6) months from the adoption of the resolution granting approval). In the event that the applicant fails to revise the site plans and other documents as required and/or fails to obtain signatures on the site plans as required, all within said time period, or extension thereof as granted by the Board, the approvals shall expire and become automatically null and void. (In the absence of the within time limitation condition, the Board would decline to grant conditional approvals and, instead, would have continued the hearing on an application for no more than a six (6) month period to provide the applicant with the opportunity to revise the site plans and other documents, and failure by the applicant to resubmit same to the Board within that period or submission within that period but failure of the applicant to make all the required revisions, would have resulted in denial of the application.) The required revisions are as follows:

a. **Revisions Emanating in the Memo to the Board from John Ruschke, PE, PP (Mott MacDonald) revised January 30, 2023 (only those comments that require revisions are set forth below):**

(1) Revise the site plans to rectify the potential for ponding of stormwater in the parking lot in the event of surcharge of onsite inlets due to downstream tailwater effects by reason of the parking lot having an approximate elevation of 63.3-feet which is below the proposed first floor elevation of the proposed new building which has an elevation of 63.5-feet.

(3) Revise the site plans to revise top of weir wall elevation within the detention basin outlet structure (elevation 60.35-feet) as necessary so that no runoff overtops the wall during the 100-year storm (Maximum Water Surface Elevation 60.50-feet) and for consistency with the water quantity control calculation provided.

(4) Revise the site plans and details as necessary to correct the inconsistency between the porous pavement detail which provides two separate invert elevations for the underdrain piping. Per the NJDEP Stormwater Best Management Practices (“**BMP**”) Manual (the “**BMP Manual**”), the aggregate layer must have sufficient depth to provide at least 3-inches of aggregate above and below the pipe network.

(5) Revise the Stormwater Facilities Operations & Maintenance Manual to comply with Chapter 9.6 of the BMP Manual to improve the maintenance plan for the porous paving system. The revisions shall include, but are not limited to, the following:

- (a) Inspection after each 1-inch storm
- (b) Annual structural inspection
- (c) Quarterly vacuum sweeping, including spring / autumn cleaning
- (d) Annual surface infiltration testing in the spring
- (e) Restrictions on sealants / coatings / herbicides per the BMP Manual requirements
- (f) Snow / ice control
- (g) Include a log for recording each of the porous test locations and its test result for future reference (see condition below regarding porous pavement testing).

b. Revisions Emanating in the Memo to the Board from Jacqueline Dirmann, PE, CME, CFM (Colliers Engineering & Design) dated February 14, 2023 (only those comments that require revisions are set forth below):

(2) Revise sheet 2 of the site plans to provide additional topographic information and additional site features for the adjacent residential lots designated as Lots 18 and 21 in Block 484.

(17) Revise sheet 4 of the site plans to provide an alternate design to the “doghouse manhole” connection into the Chestnut Street stormwater sewer system to avoid having the two (2) manhole structures in close proximity to each other.

(23) Revise sheets 11 and 12 of the site plans to revise the modular block wall detail to include an impermeable layer between the masonry wall and the porous pavement area and add a note stating that stormwater runoff shall not be directed to adjacent lots.

(24) Revise the site plans to identify the sight triangles shown for the driveways on Walnut Avenue and High Street as AASHTO compliant and use a speed of 25 mph for this purpose.

(25) Revise the site plans to add a “No Left Turn” sign for the driveway on Walnut Avenue.

(26) Revise the site plans to reflect that the existing pedestrian crossings at the intersections of Walnut / Chestnut and Chestnut / High will be replaced in kind.

(27) Revise the site plans to add a centerline in the parking aisle to aid drivers in negotiating the curvature of the traffic lanes.

(28) Revise the site plans to add height clearance signs at both entrances.

c. Revisions Emanating in the Letter to the Board from Nicholas Dickerson, PP, AICP, CFM (Colliers Engineering & Design) dated October 3, 2022 (only those comments that require revisions are set forth below):

(3) Clarify / revise the setbacks shown on the site plans of the building to the curb lines on Walnut Avenue and on High Street as the measurements provided – 30.4-feet and 21.6-feet, respectively – do not appear to represent the outermost extent of the building.

(4) Clarify / revise the site plans to show the extent of the roof overhang / building line along the rear property line to show compliance with the setback requirements.

(6) Revise the plantings on sheet 7 of the site plans to incorporate trees native to this area as paragraphs 4.10.H.5ii and iii of the SACS Plan requires the use of native species. Additionally, revise the plantings to use more than one native species for the shade trees.

(7) Further revise the plantings on sheet 7 of the site plans to replace other non-native species as specified in comment #7.

(8) Revise the plantings on sheet 7 of the site plans to reflect shade trees being planted not only along Chestnut Street but also along Walnut Avenue and High Street and at regular intervals as required by paragraph 4.11.g.1 of the SACS Plan.

(9) Revise sheet 7 of the site plans to provide brick or Belgian block pavers at the perimeter of all tree pits as the site plans do not appear to provide any paver edging.

(10) Revise sheet 7 of the site plans to add a note stating that tree irrigation bags shall be installed on each tree and maintained for at least six (6) months after planting.

(11) Clarify / revise the lighting plan to show the footcandle level of illumination from the streetlights at both building corners as the lighting plan appears to show that both front building corners have lighting levels of 0 footcandles.

(12) Clarify / revise the lighting plan to show lighting details for the outdoor roof deck.

(13) Revise light fixture “C”, which is located near the vehicle entrances along Walnut Avenue and High Street, to complement the design of the Township’s streetlight fixtures.

(14) Revise sheet 7 of the site plans to replace the use of Cornus servicea (Red Twig Dogwood, which is a deciduous species) in the buffer area with an evergreen species.

(16) Clarify / revise sheet 8 of the site plans to clarify if sod and/or seed will be used.

(17) Revise sheet 8 of the site plans to provide a sod composition if sod will be used as the landscape notes and details show a sod installation detail or eliminate the sod installation detail and utilize a seed detail.

(18) Clarify / revise the lighting plan to show that light spillage located south of the fence but north of the rear property line will not exceed 0.3 footcandles to comply with the SACS Plan which limits illumination onto residentially zoned lots to 0.3 footcandles.

(20) Revise the site plans to show a physical barrier along the front of the bicycle racks within the vehicle parking area.

(34) Revise the site plans to add an additional two (2) trash receptacles for a total of four (4) receptacles to comply with the SACS Plan.

d. Revisions Emanating in the Memo to the Board from Nicholas Dickerson, PP, AICP, CFM (Colliers Engineering & Design) dated February 15, 2023 (only those comments that require revisions follow): Clarify / revise the site plans to show that the sidewalks in the areas of sidewalk furniture (which includes the trash receptacles, benches and tables) will be 6-feet wide.

2. **Design, Construction and Location of Improvements.** The applicant shall design, construct and locate the proposed development in substantial conformity with the site plans referenced above after they have been signed by the Township Engineer and Board

Secretary as well as to the architectural drawings in the record and the exhibits submitted into evidence during the hearing.

3. **Affordable Housing Conditions.** The following affordable housing conditions shall be complied with:

a. The two (2) affordable family rental units provided in the building shall be comply with the Uniform Housing Affordability Controls (“UHAC”) regulations, including but not limited to the UHAC income and bedroom distribution regulations. (The affordable supportive housing and special needs units are exempt from complying with the UHAC income and bedroom distribution regulations.)

b. The applicant shall record a 30-year deed restriction identifying the specific units set aside for affordable housing, and identifying the number of bedrooms and income level that each affordable housing unit is to be restricted. This requirement includes the family rental units, the supportive housing, and the special needs units. The deed restriction shall be submitted to the Township Attorney for review and approval prior to recording and a recorded copy of the deed restriction shall be provided to the Board Secretary, the Township Clerk, the Township Zoning Officer, and the Township Construction Code Official prior to the issuance of any certificates of occupancy, including temporary certificates of occupancy.

c. The applicant shall provide the documentation required by N.J.A.C. 5:97-6.10 to the Township Clerk and Township Attorney, including a description of the operator and whether the operator will be or will not be licensed by the Department of Community Affairs (“DCA”). The applicant shall comply with the affirmative marketing obligations imposed by all applicable Council on Affordable Housing (“COAH”) Second-Round and Third-Round regulations. (Supportive and special needs housing requires affirmative marketing of units to individuals with special needs where the operator is not licensed and/or regulated by the DCA or the Department of Health and Senior Services.

4. **Additional Green Areas.** The applicant shall request that the Township Committee at the Township’s cost and expense create additional green space at the corner of Chestnut Street and Walnut Avenue and at the corner of Chestnut Street and High Street in the existing right-of-way in accordance with the “Additional ‘Green’ Space” sketch attached hereto. It shall be wholly within the discretion of the Township Committee whether to grant the applicant’s request and wholly within the Township Committee’s discretion as to the actual plans for creating the additional green space in the event that the Township Committee determines to grant the request.

5. **Landscaping.** All landscaping, as installed, shall conform to and be in accordance with the landscaping plan included in the approved and signed site plans, which landscape plan shall include any and all the landscaping changes required by condition #1 above. Prior to the issuance of a permanent certificate of occupancy, completion or compliance (whichever is applicable) and prior to the release of any performance bond, the landscaping shall be installed and a two (2) year maintenance bond in a form acceptable to the Township Attorney and in an amount acceptable to the Township Engineer, shall be posted with the Township. If

the applicant applies for a certificate of occupancy during a non-planting season, the applicant may obtain a temporary certificate of occupancy without installation of the landscaping but if and only if the applicant posts a performance bond in a form acceptable to the Township Attorney and in an amount acceptable to the Township Engineer guaranteeing installation of the landscaping during the next planting season and further guaranteeing the subsequent posting of a two (2) year maintenance bond.

6. **Enforcement and Maintenance of Parking.** The applicant shall strictly monitor and enforce parking as permitted and reflected on the approved and signed site plans. This means that parking shall be permitted only in those areas and in those spaces designated on the site plans for same. The owner of the property shall include provisions in all leases to this effect. The applicant shall identify on the site through pavement markings and signage (as approved by the Township Engineer) all parking spaces and any fire lanes/zones. The applicant shall have a continuing obligation to maintain all parking areas, which shall include but not be limited to repainting pavement markings and reinstalling signage for all required spaces.

7. **Flood Volume Storage.** The applicant shall submit to the Township Engineer, with a copy to the Board Secretary, copies of the complete application submitted by the applicant to the NJDEP for Flood Hazard Area (“**FHA**”) permitting, including but not limited to all documents and supporting calculations, electronic files in CAD formats and/or any other form, for review and verification by the Township Engineer of flood volume storage.

8. **Flood Vent Information and Elevation Certificate.** The applicant shall ensure that flood vent information is reflected on the elevation certificate (“**EC**”) for the building. The applicant shall provide a copy of the EC for the building to the Board Secretary, the Township Clerk, the Township Zoning Officer, and the Township Construction Code Official prior to the issuance of any certificates of occupancy, including temporary certificates of occupancy.

9. **Porous Pavement Testing.** The applicant shall complete post-construction testing of the permeable pavement in accordance with section 9.6 of the BMP Manual and shall conform to the methods of either ASTM C1701 or ASTM C1781, and at least three (3) test locations shall be used for the testing, spaced evenly across the porous paving. In the event that there is a failure to achieve the minimum design infiltration rate of the surface course at one or more test locations, the system shall not be put into service until the situation is corrected to yield all passing values. Unlike the test methodology outlined in the ASTM standards, the test results shall not be averaged. The applicant shall provide the testing results which show passing values prior to the issuance of any certificates of occupancy (including but not limited to temporary certificates of occupancy).

10. **Stormwater and Grading Control.** The applicant shall not direct any stormwater toward any adjoining lots. The site grading and drainage from the site shall not adversely affect or burden adjoining property owners and shall not pose a negative impact as set forth in ordinance section 351-4. The applicant shall ensure that the downspouts have cleanouts in appropriate locations acceptable to the Township Engineer and shall be responsible for ensuring that that overflow is directed away from neighboring lots.

11. **Night-Light Test.** There shall be a night-light test conducted by the Township Engineer prior to the issuance of a certificate of occupancy, compliance or completion (whichever is applicable) and the applicant shall correct any lighting problems which are exposed as a result of the test prior to the issuance of said certificate. The purpose of the night-light test is to assure adequate lighting throughout the site for safety purposes while safeguarding neighboring property owners and the traveling public from glare, unnecessary brightness and glow.

12. **Excavated Materials, Storage and Soil Disturbance.** All excavated materials shall be removed from the property. No material shall be stored on Township property unless prior approval is obtained from the Township Engineer. Under no circumstances can excavated material be placed on Township owned property. Any and all soil disturbance shall be done in accordance with ordinance section 351.

13. **Repair of Damage to Improvements Within Township ROW.** The applicant shall be responsible for repairing and/or replacing, at the Township Engineer's option, any damage to improvements within the Township right-of-way, including but not limited to sidewalks, driveways aprons, curbing and/or pavement as required by ordinance section 367.

14. **Call for Engineering Inspections.** The applicant shall call to coordinate all inspections with the Engineering Department 24-hours prior to the start of construction as related to grading and drainage improvements on the property and/or within the streets and/or rights-of-way.

15. **Escrow Fees.** Besides posting escrow fees for the review of the application, the applicant must also post escrow to cover engineering inspections, construction oversight, project review, and project closeout. Any and all outstanding escrow fees shall be paid in full and the escrow account replenished to the level required by ordinance within 30 days of the adoption of a resolution, within 30 days of written notice that a deficiency exists in the escrow account, prior to signing the site plans, prior to the issuance of a zoning permit, prior to the issuance of construction permits, and prior to the issuance of a temporary and/or permanent certificate of occupancy. Failure to abide by this condition shall result in the relief granted, as well as any and all underlying relief for the property, automatically terminating and becoming null and void.

16. **Easements, Dedications and Conveyances.** Any and all easements, dedications and/or conveyances running to and in favor of the Township which are proposed on the site plan and/or subdivision plat and/or required as a condition of the approval resolution shall, in addition to being identified on the applicant's plans, maps and/or plats, be contained in separate documents to be prepared by the applicant and approved by both the Planning Board Attorney and the Township Attorney after the metes and bounds descriptions of the easement, dedication and/or conveyance areas have been reviewed and approved by the Township Engineer. Said documents shall specifically outline the grant of the easement, dedication and/or conveyance and its purpose and shall contain a metes and bounds description of the easement, dedication and/or conveyance area. All such documents shall then be recorded and, upon completion of the recording process, be transmitted to the Township Clerk for maintenance with other title documents of the Township.

17. **Time to Obtain Construction Permits and Commence and Complete Construction.** The applicant shall apply for and obtain construction permits to construct the proposed development by March 1, 2025 (which is within two (2) years of the adoption of the resolution granting approval). If during said two (2) year period, or extension thereof as granted by the Board, the applicant fails to obtain all construction permits, the approval shall automatically expire and become null and void. The applicant shall have two (2) years from the date of issuance of the first construction permit to commence construction and obtain a permanent certificate of occupancy. If during said two (2) year period, or extension thereof as granted by the Board, work is not commenced and/or a permanent certificate of occupancy is not obtained, the approval shall automatically expire and become null and void.

18. **As-Built Site Plan and Elevation Certificate.** Prior to the issuance of any certificates of occupancy (including but not limited to temporary certificates of occupancy), the applicant shall submit to the Township Engineer for review and approval a signed and sealed “as-built” site plan and elevation certificate (“EC”). The “as-built” site plan shall accurately show site features including grading, spot elevations, drainage structures, etc. Once the Township Engineer approves the signed and sealed “as-built” site plan and EC, the applicant shall forward copies of both to the Board Secretary, the Township Clerk, the Township Zoning Officer, and the Township Construction Code Official.

19. **Specific Approvals and Permits.** The approval shall be conditioned upon the applicant obtaining permits and/or approvals from all applicable agencies and/or departments including (if applicable) but not necessarily limited to the following municipal, county and/or state agencies and/or departments:

- a. NJDEP Treatment Works Approval (“TWA”),
- b. NJDEP approval of FHA permits / approvals,
- c. Township of Cranford Road Opening Permit (“ROP”) to allow site work within the Township right-of-way,
- d. Union County approval to allow any site work within any County right-of-way,
- c. Union County Soil Conservation Service certification of the soil erosion and sediment control plan, and
- d. Union County Planning Board approval if applicable.

20. **Subject to Other Laws and Approvals.** The within approval and the use of all property subject to the within approval are conditioned upon and made subject to any and all laws, ordinances, requirements, and/or regulations of and/or by any and all municipal, county, state and/or federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. This includes but is not limited to the

Uniform Construction Code and all related building codes, including but not limited to the Energy Code and the Fire Code. The within approval and the use of all property subject to the within approval are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, state and/or federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or the use of the property. In the event of any inconsistency(ies) between the terms and/or conditions of the within approval and any approval(s) required by the above, the terms and conditions of the within approval shall prevail unless and until changed by the Board upon proper application.

21. **Restrictions on the Use of the Rooftop Patio.** The following restriction shall apply to the use of the rooftop patio:

- a. The rooftop patio shall close at 10 pm and shall not open before sunrise.
- b. Access to the rooftop patio shall be by fobs and the fobs shall not work prior to sunrise and after 10 pm.
- c. All lights shall be shut off at 10 pm and lights shall not be turned on until 1 hour prior to sunset.
- d. There shall be no cooking of food on the rooftop patio.