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June 30, 2020

VIA EMAIL

Kathy Lenahan, Board Administrator
Zoning Department
Township of Cranford
8 Springfield Ave
Cranford, NJ 07016

Re: Review Letter No. 1
Food Truck, Inc.
PB 20-005 (Original: PB 19-004)
40-42 Jackson Drive and 677-679 Raritan Road
Block 640, Lot 2, 3, and 6.01
Township of Cranford, Union County, New Jersey
MC Project No. CDP-310

Dear Ms. Lenahan:

Food Truck, Inc. (the Applicant) seeks Amended Preliminary and Final Site Plan Approval to further expand the existing building on the site from what was originally proposed, make additional modifications to the interior of the structure, and make various exterior site improvements resulting from the building expansion. The Applicant requires several "C" variances, which are outlined in Section C.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Preliminary and Final Site Plan, prepared by Victor E. Vinegra, P.E., Harbor Consultants, Inc., dated August 23, 2019, revised through April 16, 2020;
2. Boundary and Topographic Survey, prepared by Victor E. Vinegra, P.E., Harbor Consultants, Inc., dated December 7, 2017;
3. Architectural Elevations, prepared by Keith H. Lesser, of Mancini Duffy Inc., dated May 4, 2020;
4. Stormwater Management Report, prepared by Jose M. Betances of Harbor Consultants, Inc., dated September 30, 2019, revised through April 16, 2020;
5. Traffic Impact Letter, prepared by John R. Harter, P.E., and David W. Fahim, E.I.T., of Atlantic Traffic and Design Engineering, LLC, dated May 4, 2020;



6. Checklists 1, 4, 9, and 10 dated May 4, 2020;
7. Form 01/Application for Board Action, May 4, 2020;
8. Form 04/Appeal for Relief from Zoning Requirements (“C” Variance), May 4, 2020;
9. Form 09/Preliminary Approval of Site Plan Application, May 4, 2020;
10. Form 10/Final Approval of Site Plan Application, May 4, 2020;
11. Form 15/Hold Harmless and Indemnification Agreement, dated May 4, 2020;
12. Form 17/200 Foot List Request Form, May 4, 2020;
13. Variance Table, no date;
14. List of Previously Granted Exceptions/Design Waivers;
15. Resolution of Adoption, Application No. PB 19-004;
16. Zoning Permit, issued August 29, 2019;
17. Materials submitted in response to resolution PB 19-004, dated April 29, 2020; and,
18. Statement of Principal Points, no date.

A. Existing Conditions

The subject property is located with frontage along Jackson Street to the north, Raritan Road to the south, and Moen Avenue to the west. It is currently split-zoned, with lots 2 and 3 in the NC (Neighborhood Commercial) zone. Lot 6.01 is in both the NC and C-1 (Commercial-1) zones, though predominantly in C-1. Lot 6.01 is currently the site of a one-story warehouse and office building as well as an accompanying parking lot. Lots 2 and 3 were previously the sites of two residential, single-family homes, but are now vacant. Split-zoned lots require that any portion of a parcel in a given zone comply to that zone’s standards. While warehousing is permitted in the C-1 zone, it is not permitted in the NC zone. However, the existing layout of the site, with the warehouse building in the C-1 zone and the accessory parking in the NC zone, complies with the zoning.

The site is adjacent to residential uses across Raritan Road to the south, as well as to the east. To the immediate west is a small strip shopping development, and additional warehousing across Moen Avenue. Warehousing and light industrial is located to the north across Jackson Drive as well as to the northeast.

The multiple street frontages for lot 6.01 renders it a “through lot” under the Township’s ordinance. Through lots are regulated under Subsection 255-35 B (4), where: “A through lot shall be considered as having two street frontages, both of which shall be subject to the front yard requirements of this article. Where a lot is bounded on three or more sides by roads, the side opposite the front yard shall be considered the rear yard, and the minimum rear yard setback shall be maintained. The remaining frontage shall be considered a side yard, but the front yard setback shall be maintained for the side street.” Based on our interpretation of this provision, the primary front yard would be along Jackson Drive, the side street “front yard” would be the frontage along Moen Avenue, and the rear yard would include the frontage along Raritan Avenue, in addition to the property line along Moen Avenue shared with neighboring Lot 5.



Figure 1: Google Maps image of the site, with the property boundaries approximated.



Figure 2: Tax Map image of the site, with the property boundaries approximated.

B. Proposed Development, as Amended

The Applicant previously received Preliminary and Final Site Plan approval along with ‘C(1)’ and ‘C(2)’ bulk variance relief and exceptions from the site plan ordinance from the Planning Board in November 2019 (PB-19-004, Resolution adopted January 15, 2020) to repurpose the existing building on the site to include offices (including a second story mezzanine space), warehouse space, and food preparation/packaging space, a 30-foot by 119-foot addition to the existing building for truck storage and refuse, and the addition of 13 loading doors on the east side of the building. The existing parking area was proposed to be restructured to better serve the Applicant’s fleet of delivery vehicles. The Applicant also proposed various site improvements such as landscaping, a ground-mounted generator, electric vehicle charging stations, and a monument sign along Jackson Drive.

The Applicant has returned to the Board with an amended application, proposing modifications to the building layout, expanding the approved building addition by another approximately 5,863 sq. ft. (60 feet by 154.9 feet, or 9,433 sq. ft. total), removing the approved mezzanine extension, internal modifications to the existing structure, removing the approved maintenance garage, relocating the approved ground-mounted emergency building generator toward Moen Avenue, adding an outdoor equipment area and associated concrete pad, reducing the number of delivery vehicle parking spaces from 67 to 64, modifying the vehicle loading areas, adding an electrical transformer, and changes to the drainage system.



The Applicant’s Statement of Principal Points indicates that no change to the proposed use is contemplated by this application; rather, the proposed changes are to increase operational efficiency and output capacity. As such, no additional on-site employees are anticipated by this application.

See tables below for yard and bulk requirements in the C-1 and NC Zones:

BULK REQUIREMENTS – C-1 ZONE DISTRICT				
	Required	Approved	Proposed	Variances
Minimum Lot Area (sf)	100,000	152,152	152,152	
Minimum Lot Width (ft)	250	>250	>250	
Minimum Front Yard Setback (ft)	50	25.5	25.5	ENC
Minimum Rear Yard Setback (ft)	100	61.9	30.9	V
Minimum Side Yard Setback (ft)	50	>50	>50	
Minimum Side Yard Setback—Both Sides (ft)	100	100	N/A	
Maximum Building Coverage	35%	24%	28.7	
Maximum Building Height (ft)	45*	30	26.7	
Maximum Building Height (stories)	4*	2	1	
Maximum Impervious Coverage	70%	79.2%	79.2	R
Maximum Floor Area Ratio	3.0	.39	.39	
Minimum Distance from Building to 1 or 2-Family Residence Zone (ft.)	100	>100	>100	
V-Variance Required				
R-Relief Granted as Part of Original Application (No changes proposed)				
ENC-Existing Nonconforming Condition				
*When adjacent to residential districts, otherwise maximum height is 6 stories, 75 feet.				

BULK REQUIREMENTS – NC ZONE DISTRICT					
	Required	Lot 6.01	Lot 2	Lot 3	Variances
Minimum Lot Area (sf)	10,000	20,662	5,839	7,808	ENC
Minimum Lot Width (ft)	100	214	60	80	ENC
Minimum Front Yard Setback (ft)	15	NA	NA	NA	
Minimum Rear Yard Setback (ft)	20	NA	NA	NA	
Minimum Side Yard Setback (ft)	12	NA	NA	NA	
Minimum Side Yard Setback—Both Sides (ft)	24	NA	NA	NA	
Maximum Building Coverage	40%	NA	NA	NA	
Maximum Building Height (ft)	30	NA	NA	NA	
Maximum Building Height (stories)	2	NA	NA	NA	
Maximum Impervious Coverage	75%	27.4%	NA	NA	
Maximum Floor Area Ratio	NA	NA	NA	NA	
Minimum Distance from Building to 1 or 2-Family Residence Zone (ft.)	20	NA	NA	NA	
V-Variance Required					
ENC-Existing Nonconforming Condition					



C. Variances

The Applicant has requested “C” variance relief for the following:

1. Section 255-34, Schedule 1 – A minimum rear yard setback of 100 feet is required for Lot 6.01.

Previously Approved: 61.9 feet
Proposed: 31.9 feet

2. Section 255-35D(4) – Ground-mounted generators. Ground-mounted generators are allowed within any side or rear yard. However, the proposed ground-mounted generator is located along Moen Avenue, which, although it is identified as a side lot line, shall adhere to all front yard setbacks in conformance the requirements for through lots, which is 50 feet.

Previously Approved: Ground-mounted generator 47.6 feet from Moen Avenue.
Proposed: Ground-mounted generator 42 feet from Moen Avenue.

3. Section 255-38A(1) – Accessory Structures in the Front Yard. No accessory structure shall be located in the front yard or required side yard.

Proposed: 1) Ground mounted generator in the Moen Avenue front yard.
2) Concrete Pad in the Moen Avenue front yard.

In addition to the variances requested by the Applicant, the following variance will also be required:

1. Section 255-38A(1) – Accessory Structures in the Front Yard. No accessory structure shall be located in the front yard or required side yard.

Proposed: Electric Transformer in the Moen Avenue front yard. We note that the Applicant may have included this as part of the variance request for the “Concrete Pad” in the Moen Avenue front yard, however, the Applicant shall clarify.

As part of the original application, the Applicant received ‘C’ variance relief for the following items, which do not appear to be modified by this application.

1. Section 255-34, Schedule 1 – A maximum of 70 percent impervious coverage is permitted in the C-1 zone.

Previously Approved: 79.2% impervious coverage in the C-1 section of Lot 6.01, up from an existing 75.2 percent.



3. Section 255-34, Schedule 1 –The required minimum lot area in the NC zone is 10,000 square feet. Lot 2 is 5,839 square feet.
4. Section 255-34, Schedule 1 – The required minimum lot area in the NC zone is 10,000 square feet. Lot 3 is 7,808 square feet.
5. Section 255-34, Schedule 1 – Minimum lot width. The required minimum lot width in the NC zone is 100 feet. Lot 2 has a lot width of 60 feet.
6. Section 255-34, Schedule 1 – Minimum lot width. The required minimum lot width in the NC zone is 100 feet. Lot 3 has a lot width of 80 feet.
7. Section 255-34, Schedule 1 – A minimum front yard setback of 50 feet is required in the C-1 Zone, however a 25.5-foot front yard setback is provided on Jackson Drive.

We also note that the Applicant’s Statement of Principal Points and Application Variance Table indicates that a previously granted variance was received for impervious coverage in the NC Zone for Lot 6.01 of 79.2 percent, up from an existing 75.2 percent. This is inconsistent with the Zone Table in the Site Plan, which shows a proposed impervious coverage of 27.4 percent. At the hearing for the original application, it was established that no variance was necessary.

Variance Proofs for “C” Variances

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the “C(1)” or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the so-called flexible “C” or “C(2)” variances where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

D. Design Waivers/Exceptions

Based on the information submitted by the Applicant, the following exceptions previously granted by the Board appear to remain unchanged by this Application:

1. Section 255-26A(3)(b) – Concrete sidewalks a minimum width of four feet on all streets are required.

Previously Approved: No sidewalks.



2. Section 255-26A(3)(e) – Granite block curbing is required.

Previously Approved: Applicant does not propose to modify existing concrete curbs.

3. Section 255-26G(1)(e) – Driveway aprons made of concrete are required.

Previously Approved: Existing asphalt aprons will remain.

4. Section 255-26G(3)(a)[1] – A minimum parking space width of 10 feet is required.

Previously Approved: Spaces have a proposed width of nine (9) feet.

5. Section 255-26G(8)(c) – Tree island break every 12 parking spaces requires.

Previously Approved: No tree island breaks are proposed.

6. Section 255-26G(8)(d) – Whenever an off-street parking area exceeds 100 spaces, the parking area shall be divided into four sections with each section being separated by a curbed divided strip landscaped with canopy trees.

Previously Approved: Parking area not divided into four sections landscaped with canopy trees.

7. Section 255-26G(8)(e) – Specific excavation practices during time of planter installation required.

Previously Approved: No planter islands proposed in parking area.

8. Section 255-26G(10) – Parking spaces shall be marked by double space markings

Previously Approved: Single strip markings.

9. Section 255-26A(2)(m) – Existing streets which do not conform to pavement and/or right-of-way widths as shown on the Master Plan, Official Map or as required by the Ordinance shall provide for the dedication, and improvement to Township specifications.

Existing Condition: Due to the site's bus pull-off space, the Jackson Drive driveways are reduced to 36 feet.

10. Section 255-26G(11)(b) – Off-street loading spaces shall be no less than 12 feet in width and 50 feet in length.

Existing Condition: Existing loading spaces along Moen Avenue are approximately 10 feet in width and 45 feet in length.



Additionally, the following pre-existing non-conforming conditions exist on the property:

11. Section 255-26G(1)(d) – Driveways be no closer than five (5) feet to a side or rear property line.

Existing: Driveways along Moen Avenue.

In addition, the following exceptions/waivers may also be required:

1. Section 255-26G(11)(d) – Waiver for loading signage. The Ordinance requires a sign stating that truck engines shall be turned off upon parking in a loading area.

At the hearing for the original application, the Applicant had indicated that they would comply with this requirement and that no exception would be necessary. No loading signage details are found in the amended plans. The Applicant shall clarify.

2. Section 255-26G(12) – Any multi-family building and nonresidential development shall provide one (1) bicycle space for each dwelling unit and one (1) additional space for each 50 off-street parking spaces.

Similarly, at the hearing for the original application, the Applicant had indicated a willingness to comply with this requirement and not seek a waiver. No bicycle racks appear to be located on the amended plans. The Applicant shall clarify.

3. Section 255-26J(4)(e)[4] – Freestanding signs shall be no closer to the property line than half the required setback.

Proposed: A freestanding sign approximately five (5) feet from Jackson Drive. Similar to the above, the Applicant indicated a willingness to comply with the setback requirements for freestanding signage, and Condition 1.a.iv. of the Resolution required a note to be added to the plans stating that no variances and/or exceptions shall be sought for signage on the property. This is shown in the plans as Note No. 20. The Applicant shall clarify.

E. Comments

1. The Applicant shall provide testimony regarding the above-mentioned comments in Section D: Design Waivers.
2. The Applicant's Statement of Principal Points indicates that the number of delivery van parking spaces has been reduced from 67 to 64, the Site Plan parking schedule shows 63 spaces are proposed. The Applicant shall clarify.
3. The site plans identify a proposed monument sign along Jackson Drive; however, no detail is provided.



4. The Application Narrative and Variance Table indicate a 31.9 ft minimum rear yard setback is being requested, while the site plan shows 30.9 feet. The Applicant shall clarify.
5. The Narrative and Variance Table suggests that the impervious coverage for the NC zoned section of Lot 6.01 is 79.2 percent, which is inconsistent with the site plan, which shows 27.4 percent, and indicates that this already received variance relief. The original Resolution of Approval notes that this variance was not required.
6. Similarly, the Applicant also indicates in the Narrative and Variance Table that an impervious coverage variance was previously requested and approved by the Board for the entirety of Lot 6.01. The original Resolution of Approval notes that this variance was not required.
7. Testimony shall be provided concerning the use of the proposed outdoor equipment area.
8. The Plan detail for the sliding gate indicates that barb wire is optional. Section 255-26 K(3)(e) of the Township's design standards prohibits the use of "barbed wire, metal spikes or other such dangerous material." The detail shall be revised if no barbed wire will be utilized; otherwise, the Applicant shall provide testimony and an exception will be required.
9. The zone table on the site plan indicates that the structure will only contain one (1) story. This is inconsistent with the architectural elevations, which propose a partial second story. The Applicant shall clarify.

Should you have any questions concerning the above comments please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in blue ink, appearing to read 'N. Dickerson', is written over the printed name.

Nicholas A. Dickerson, P.P., AICP
Project Planner

NAD/sab

cc: Stephen F. Hehl, Esq., Applicant's Attorney (via email)
Victor E. Vinegra, P.E., P.L.S., Applicant's Engineer (via email)
Jonathan Drill, Esq., Board Attorney (via email)
Jacqueline Dirmann, Township Engineer (via email)
Jason Bottcher, AICP, CFM, Zoning Officer (via email)
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