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Planning Report #2

DATE: March 18, 2022
TO: Zoning Board, Township of Cranford
FROM: Greer Patras, AICP, PP
APPLICANT: Cranford Harrison Developers, LLC
ATTORNEY: James R. Lisa, Esq.

SUBJECT: **APPLICATION ZBA-20-003
24 SOUTH AVENUE WEST
BLOCK 474, LOT 1
USE VARIANCE APPLICATION**

The purpose of this report is to provide the Zoning Board with guidance in its evaluation of Application ZBA-20-003, submitted by Cranford Harrison Developers, LLC (the "Applicant"). The Applicant proposes to rehabilitate the existing industrial building to provide a mixed-use building with retail space on the ground floor and residential units on all floors.

Our office issued Planning Report #1 on January 29, 2021, and the application was heard by the Zoning Board on February 8, 2021, April 12, 2021, and June 14, 2021. The hearings did not conclude and no votes were taken, as the Board requested additional clarifications and information to be provided at a later date. No action was taken by the Applicant to provide this information and the application was ultimately dismissed without prejudice later in the year due to insufficient escrow.

The application has since been resubmitted, with latest revised plans received on March 14, 2022. The proposed project has been revised to rehabilitate the existing structure rather than demolish and construct new, and has reduced density.

The Applicant requires d(3) conditional use variance, d(5) density variance, bulk variances, design waivers, and preliminary and final site plan approval. The Applicant has elected to bifurcate the application, however it is unclear whether the bifurcated application is limited to use the use and density variances, or includes some bulk variances also. The variance list provided by the Applicant was incomplete and incorrect. Additionally, it's unclear how the bulk variances can be evaluated and/or granted without, at least, a preliminary site plan submission. The Applicant should clarify their intended application bifurcation strategy prior to beginning their application. We defer to the Board Attorney.

if the Board approves these variances, the Applicant will return for Major Preliminary and Final Site Plan approval, as part 2 of this application.

The following items have been reviewed:

- A. Application Forms, received on March 8, 2022.

- B. Variance Site Plan, consisting of three (3) sheets, prepared by Brian P. Murphy, P.E. of FWH Associates, P.A., dated August 25, 2020, last revised March 1, 2022.
- C. Architecture Plan with Elevations, consisting of three (3) sheets, prepared by 4/4 Architecture, dated February 1, 2022 and revised March 2, 2022.
- D. Traffic Impact Study, consisting of seven (7) sheets, prepared by McDonough and Rea Associates, Inc., dated June 5, 2020 and last revised February 1, 2022.

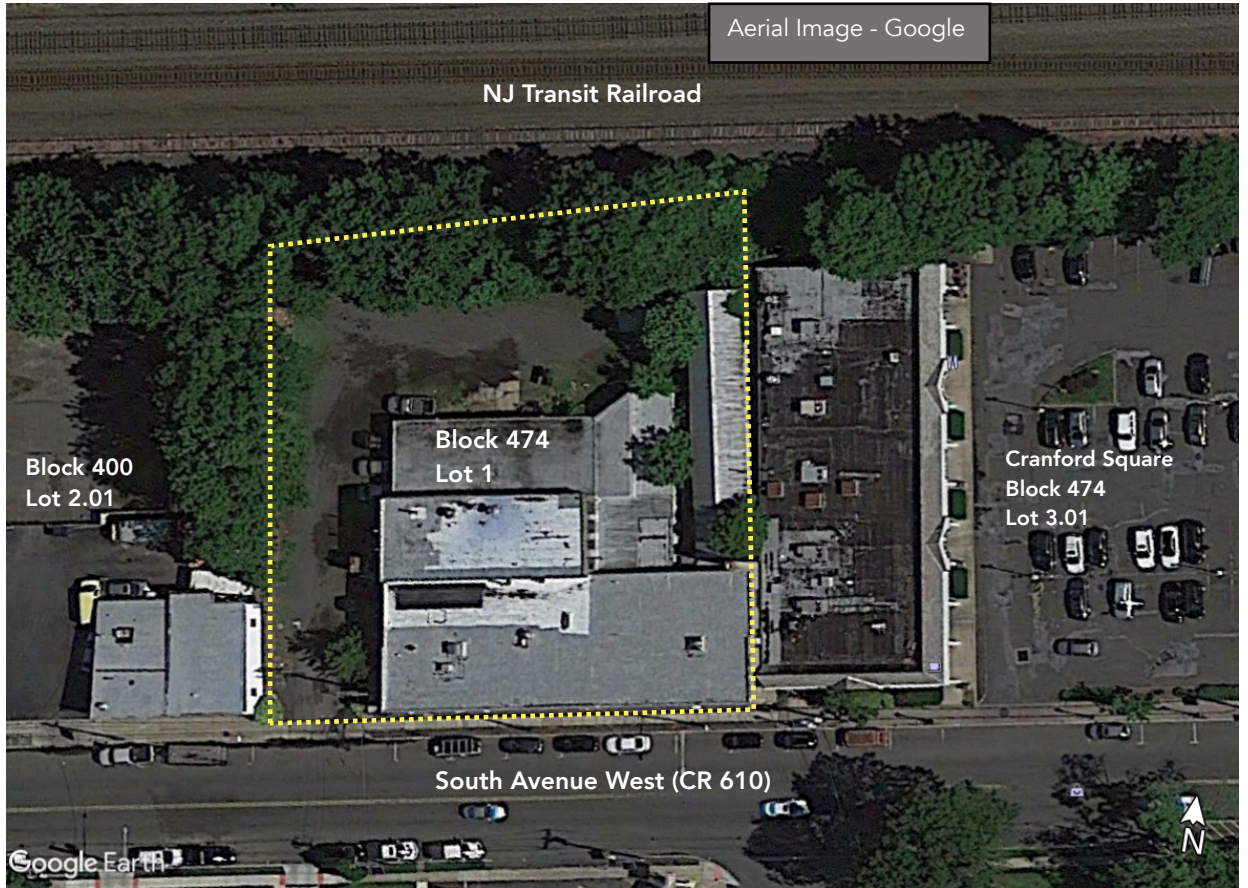
I. EXISTING CONDITIONS

- A. **Site Description:** The Site is a 32,673.2 SF (0.75 AC) property comprised of one lot that has frontage along South Avenue West (County Route 610). The Site consists of a two-story masonry building which was previously used for industrial manufacturing. The Site also contains a gravel parking lot and chain link fencing. According to the Applicant, the Site contains environmental contamination from the prior industrial use.



- B. **Zoning:** DB (Downtown Business)
- C. **Neighborhood Context:** South Avenue West is a commercial corridor; however, the Site borders the Office Residential District (ORC) to the south. To the north (rear) of the Site is the NJ Transit railroad, and directly east is "Cranford Square", a commercial plaza with several retail uses and a large parking lot. Across the street to the south is an auto body shop and offices, and to the west is an industrial building.

The Site is located just outside of downtown Cranford. The Cranford train station is approximately a 5-minute walk from the Site. The nearest bus stop (NJ Transit Route 59) is located at the corner of South Avenue West and Lincoln Avenue West.



II. PROJECT PROPOSAL

A. Proposed Project: The Applicant proposes the following:

1. Rehabilitate the existing industrial building to construct a 4-story mixed-use building that includes the following:
 - i. Ground Floor:
 - Retail Space: 640 SF
 - Lobby: 640 SF
 - 9 total residential units consisting of 5 one-bedroom units, 3 two-bedroom units, and 1 three-bedroom unit
 - Elevators and trash disposal
 - ii. Second, Third, and Fourth Floors:
 - 10 total residential units per floor consisting of 5 one-bedroom units, 4 two-bedroom units, and 1 three-bedroom unit
 - Elevators and trash disposal
2. Provide 49 parking spaces on a rear-yard surface lot with the following breakdown:
 - i. 41 standard parking spaces
 - ii. 3 on-street parking spaces
 - iii. 3 ADA parking spaces
 - iv. 2 compact parking spaces

III. USE VARIANCE DISCUSSION

A. The Applicant requires d(3) Conditional Use Variance Relief from Section 255-39.B(22):

Residential uses in the Downtown Business District are permitted uses only if compliant with the conditions specified in Section 255-39.B(22), included below. The proposed mixed-used building with retail space and residential units on this lot does not fully comply with the conditions (specifically the items bolded) and therefore requires a conditional use variance.

The conditional use requirements for residential use are as follows, per Section 255-39.B(22):

- a *Each apartment shall have its own entrance to a hallway, staircase or to the exterior.*
- b *The ground floor entrance to the apartment unit or units shall be separate from the entrance to the ground floor use.*
- c ***An applicant or developer shall provide credible evidence to the satisfaction of the reviewing board that sufficient parking spaces are available and/or reserved in either public or private off-street parking lots for the overnight parking of vehicles of the prospective tenants of the apartment or apartments.***
- d ***Such apartments shall be a minimum of 700 square feet for one-room studio or efficiency apartments and 150 square feet for each additional bedroom, but in no case contain more than two bedrooms.***
- e *No boarders shall be permitted to occupy such apartments, nor shall any portion of the space within the apartment be sublet or rented out for any period of time.*
- f *A minimum lot size of 5,000 square feet is required.*
- g ***The gross density shall not exceed 10 units per acre.***
- h ***A principal nonresidential use must be located on the ground floor of the building.***

The standard for D(3) variances under N.J.S.A. 40:55(d)-70(d)(3): The applicant will require variance relief from the conditional use standards contained in the Land Development Ordinance. The Zoning Board may grant relief from conditional use standards pursuant to N.J.S.A. 40:55D-70(d)(3). The board is guided in its evaluation of conditional use variances, otherwise known as "d(3)" variance, by the seminal New Jersey Supreme Court Decision, Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994). In Coventry, the Court set forth a distinction between a use variance, which allows an applicant to engage in a prohibited use, from that of a conditional use variance, in which non-compliance with the conditions of a use, but not the use itself, violates the ordinance. The Coventry Court held that since a conditional use is not a prohibited use, it did not need to meet the more stringent special reasons standards summarized in Medici v. BPR Co., 107 N.J. 1, 9-18 (1987), but rather the following:

Positive Criteria

- Proof of special reasons that the site proposed in context of applicant's site plan, continues to be an appropriate site for the conditional use notwithstanding the deviations from one or more conditions imposed by the ordinance.
- Applicant must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the ordinance established to address those problems.

Negative Criteria

- Variance can be granted without substantial detriment to the public good, with focus on the effect on surrounding properties of the grant of the variance for the specific deviations.
- Variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance and that the grant of the variance for the specific project at the designated site is reconcilable with the municipality's legislative intent.

B. The Applicant requires d(5) Density Variance Relief from Section 255-39.B(22): The maximum permitted density in the Downtown Business District is 10 units per acre, but the Applicant proposes 52 units per acre, thus requiring d(5) density variance relief.

The standard for D(5) variances under N.J.S.A. 40:55(d)-70(d)(5): The Board has the power to grant a D(5) variance to permit an increase in the permitted density. New Jersey courts have held that a relaxed standard of proof should be applied to D(5) variances under Grubbs v. Slothower, 389 N.J. Super. 377 (N.J. App Div. 2007). Specifically, the Applicant is not required to demonstrate that the property is "particularly suitable to more intensive development" in order to prove "special reasons" under the Municipal Land Use Law. Rather, in considering such applications, the Board should focus its attention on whether the applicant's proofs demonstrate "that the site will accommodate the problems associated with a proposed use with [a greater density] than permitted by the ordinance." Since special reasons supporting a particular variance request "must be tailored" to the purpose served by the restriction in the ordinance, the Board should consider the purpose of restricting density in a particular zone. Density restrictions, in the residential context serve to limit the intensity of the use of the land to be developed. As such, the Board should consider whether the Applicant has demonstrated whether, despite the proposed increase in density above the zone's restrictions, and, thus, the increased intensity in the use of the site, the project nonetheless served one or more of the purposes of zoning and was consistent with the overall goals of the MLUL.

Under the "negative criteria," the Board's focus should be to determine whether conditions can be imposed in its approval to ensure that the proposed deviations from the density requirements do not cause substantial detriment to the public good and substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

C. Relationship to the Master Plan: The Applicant should review and be prepared to discuss the project in relation to the Township of Cranford Master Plan Reexamination Report, adopted September 2019. The Applicant should be prepared to discuss the nature of the proposed conditional use, density, associated traffic, and public realm enhancement in relation to the surrounding uses and consistency with the Master Plan.

IV. BULK VARIANCE DISCUSSION

A. Required Bulk Variances: At this time, we have evaluated the following "c" bulk variance relief, however, as discussed above, further information is required to determine the full scope of the application and whether proposed conditions require additional variance relief.

1. **Front Yard Setback:** where a minimum of 5' is required, but 0' remains existing and proposed, including a higher intensity of use. (Section 255 Attachment 1)
2. **Impervious Coverage:** where a maximum of 80% is permitted, but 86.9% is proposed. (Section 255 Attachment 1)
3. **Building Stories:** where a maximum of 3 stories is permitted, but 4 stories is proposed. (Section 255 Attachment 1)

4. **Accessory Structure Rear Yard Setback:** where a minimum of 10' is required, but less than 10' is proposed from the proposed refuse area. (Section 255-38.A(3))
5. **Parking Spaces:** where 77 parking spaces are required based on the bedroom distribution provided below, but 49 parking spaces are proposed. (Section 255-44.A & B)
 - 1.8 spaces per 1-bedroom unit X 20 units = 36 spaces
 - 2 spaces per 2-bedroom unit X 15 units = 30 spaces
 - 2.1 spaces per 3-bedroom unit X 4 units = 8.4 spaces
 - 640 SF of retail space X 1/250 SF = 2.6 spaces
 - Total required spaces = 77

B. Required Design Waivers: At this time, we have evaluated the following design waiver relief, however, as discussed above, further information is required to determine the full scope of the application and whether proposed conditions require additional design waiver relief.

1. **Parking Space Dimensions:** where a minimum dimension of 10' wide by 20' long for all parking spaces is required, but parking spaces with the dimensions of 9' wide by 16' long are proposed. (Section 255-26.G.3.a.(2))
2. **Loading Spaces:** where 1 loading space is required, but 0 loading spaces are proposed. (Section 255-26.G(11)(A))

All bulk variances and design waivers have not been evaluated or identified, as the scope of the application is not clear. Full review and comment will be made once application scope is determined.

C. Bulk Chart: The Applicant must clarify which use and bulk variances are currently requested. Even if bulk variance approval will be deferred to the Major Site Plan portion of this bifurcated application, conformance with bulk standards should be used to evaluate site suitability for the proposed uses on this site, which must be demonstrated to grant the "d" use variances required.

Bulk Requirements	Required	Existing	Proposed
Lot Area (Min.)	Not regulated	32,673.2 SF	No change
Lot Width (Min.)	Not regulated	196'	No change
Front Yard Setback (Min.)	5'	0' (E)	0' (M)
Side Yard Setback (East) (Min.)	0'	0.5'	0.7'
Side Yard Setback (West) (Min.)	0'	55'	No change
Side Yard Setback (Both) (Min.)	0'	55.5'	55.7'
Rear Yard Setback (Min.)	10'	15.7'	59.5'
Impervious Coverage (Max.)	80%	52%	86.9% (M)
Building Height (Max.)	45'	<45'	45' to roof surface 48'-10" to parapet*
Building Stories (Max.)	3 stories	2 stories	4 stories (M)
Density (Units/Acre)	10 units/acre	N/A	52 units/acre (M)
FAR (Max.)	2.5	Applicant must confirm	2.4
Distance from 1- or 2-Family Residence (Min.)	20'	>20'	No change
Accessory Structure Side Yard Setback East (Min.)	0'	N/A	> 0'



Bulk Requirements	Required	Existing	Proposed
Accessory Structure Side Yard Setback West (Min.)	0'	N/A	> 0'
Accessory Structure Rear Yard Setback (Min.)	10'	N/A	<10' (V)

(V) Variance **(W)** Waiver (E) Existing Non-Conforming
 *The Applicant should clarify the reported height of 45' tall, as the proposed height to the highest point of the building of 48'-10".

Parking + Loading Requirements	Required	Existing	Proposed
Parking Spaces (Min.)	77 spaces*	Applicant must confirm	49 spaces (V)
Parking Space Dimensions (Min.)	10' wide x 20' long	Applicant must confirm	9' wide x 16' long (W)
Driveway Width	10'-26'	Applicant must confirm	24'
Loading Spaces (Min.)	1 space	Applicant must confirm	0 spaces (W)
Make-Ready EV Spaces (Min.)**	15% of all Required Spaces = 12 Make-Ready Spaces	N/A	Applicant must confirm
Installed Charging Stations at Time of Occupancy (Min.)	1/3 of all Make-Ready Spaces = 4 Spaces	N/A	Applicant must confirm
Installed Charging Stations 3 Years Following Issuance of C/O	Additional 1/3 of all Make-Ready Spaces = 4 Spaces	N/A	Applicant must confirm
Installed Charging Stations 6 Years Following Issuance of C/O	Final 1/3 of all Make-Ready Spaces = 4 Space	N/A	Applicant must confirm
ADA Accessible EV Spaces (Min.)	5% of all EV Spaces = 1 Space	N/A	Applicant must confirm

(V) Variance **(W)** Waiver
 *Parking requirement breakdown is within bulk variance discussion.
 **Per State Statute, "All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space."

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)

V. PLANNING COMMENTS

We offer the following comments for the Board's review and consideration:

A. General Comments:

1. The Applicant did not participate in a DRC meeting with town professionals to discuss the new proposal. As such, we recommend all reports from these departments be sought and reviewed, since many completeness, feasibility, and technical items were not addressed prior to this hearing.
 - a. The scope of this portion of the bifurcated application must be clarified, especially as it relates to all use and bulk variances. The Applicant should discuss the request for conditional use variance and density variance relief including which conditions are not met.
 - b. The Applicant must provide all missing information requested in Section IV of this report, including information in the bulk chart and consistent dimensions on the site plan, for further review.
 - c. The application must be revised to be consistent with the proposal and plans, as it mistakenly requests a d(6) height variance and does not request a d(3) conditional use variance on page 4, and states 780 SF of retail space proposed, where 640 SF of retail space is proposed on the architecture plan. Further, the "project summary" on Sheet A1.01 should be revised to reflect the current proposal of 39 residential units.
 - d. The Applicant should provide an overview of all changes since the prior presentation.
2. The Applicant should provide testimony to the proposed intensity of the site, which requires variance relief for multiple conditions. The Applicant should discuss the proposal in relationship to adjacent uses, scale, intensity, and character. Particular attention should be relationship of building height, massing, and architecture. If the Applicant seeks bifurcated approval for "d" variance items only, all variances and design waivers should be discussed in order to determine site suitability for the bifurcated variances.
3. The Applicant should provide testimony regarding compliance with the Township's affordable housing regulations. The Applicant must confirm what percentage of the units

will be affordable units. Per Cranford's ordinance, for inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage is 20%; for projects in which the low- and moderate-income units are to be offered for rent, the appropriate set-aside percentage is 15%.

The Applicant should revise the floor plans to label which units are affordable and provide a breakdown chart for each affordable bedroom type to show compliance with the UHAC bedroom distribution percentage requirements.

On a related note, as discussed in Section III, the Applicant deviates from the conditional use requirement that *"apartments shall be a minimum of 700 square feet for one-room studio or efficiency apartments and 150 square feet for each additional bedroom, but in no case contain more than two bedrooms."* We note an inconsistency in the ordinance that prohibits three bedrooms, where a minimum number of three bedrooms are required under UHAC for affordable housing units. We offer no objection to relieving the Applicant of this requirement.

B. Density + Quality of Life Comments

As discussed in Section III, the Applicant requires a density variance. The maximum permitted density in the Downtown Business District is 10 units per acre, but the Applicant proposes 52 units per acre, thus requiring d(5) density variance relief. On this site, a conforming yield would be 7.5 units. 39 units are proposed.

To evaluate whether increased density is suitable for the site, the Applicant must prove that the site can accommodate increased density. In general, intensity is reflected in whether the development can comply with other important aspects of the zoning code, such as access to light and air, provision of parking and other transportation methods, and whether the massing to accommodate higher than allowed density meets height and setback requirements. Any enhancements to the building or use to mitigate the deviations can be weighed.

On this site, the building does not meet parking, loading, height, massing, setback, and quality of life requirements. Mitigations, such as enhanced architecture, community use space, retail opportunities, sustainable design, have not been indicated.

We offer the following comments and recommendations:

1. The majority of the bedroom units do not have windows. This is required per UCC and necessary for access to light and air. Many units are interior units and do not have the ability to have windows added easily. It is anticipated that the floor plans must be redrawn to meet minimum building and fire standards, and that this may impact total unit count. A building that doesn't meet minimum life safety requirements is unlikely to be able to meet the variance proofs required to exceed a density variance.

All opportunities to provide additional amenities and access to light and air for each unit should be incorporated. We typically recommend a minimum of 75 SF outdoor space per residential unit, either in shared amenity area or private balcony. The Applicant proposes a small outdoor courtyard at the rear side of the building. No details have been provided about the activation of the space, whether it will have any amenities or sunlight. The Applicant should provide testimony regarding the landscape courtyard features and accessibility, especially handicap accessibility. The Applicant should discuss if the courtyard is only available to residents or if visitors and retail customers can access it.

2. Given the size of the proposal and all the variances requested, we recommend the Applicant incorporate sustainable design / construction elements, which could help the applicant meet the variance proofs required for a density variance. For example, the flat roof would lend itself to solar panels, green-roof designs, or white TPO roofing. At a minimum, energy star appliances, LED fixtures, and low-flow plumbing should be utilized.
3. The proposed development exceeds the permitted maximum impervious coverage requirements, which may indicate overdevelopment of the site. If any overage is granted by this board, all efforts to incorporate on-site stormwater management should be employed to mitigate effects of the high percentage of impervious coverage proposed on the Site, such as rain gardens, bio-swales, vegetation on the roof, and permeable materials.
4. Limited enhancements are proposed to the street frontage. Given the proposed development intensity and variances given, additional attention should be given to this area. See additional streetscape concerns in Section C below. The Applicant should increase areas along the street frontage to create space for shade trees along the street to improve coverage and the streetscape.
5. We do not recommend the granting of any impervious coverage, frontage, or massing variances without a landscape plan, streetscape plan, and sustainable design plan.

C. Use + Design Comments:

1. As discussed in Section III, the Applicant deviates from the conditional use requirement that *"A principal nonresidential use must be located on the ground floor of the building."* While the Applicant does propose a 640 SF retail space, it may be too insignificant to meet the intent of a principal use on the ground floor.

The space only occupies less than 1% of the total building area. It occupies only 1/8 of the linear feet of the building's frontage.

The intent of the ordinance is to have a lively street frontage. The Applicant proposes 9 residential units along the frontage. Residential units on the ground floor require privacy, and typically window blinds closed, which eliminates any street activity.

The Applicant should provide permitted active ground floor uses along the majority of the street frontage. If the Applicant and the Board determine that this location is not suitable for commercial use, then community uses and/or residential amenity spaces could be considered as suitable active ground floor uses.

If ground floor units are permitted along the frontage, the building should be setback 10' to allow for some semi-private space for landscaping to buffer the view of the closed windows, provide additional security for ground-level bedrooms, and enhance the streetscape.

2. The Applicant shall specify and provide testimony to all building façade materials, colors, and overall details of design, relative to the site and surrounding character. We offer concern regarding the following items:
 - a. Materials and colors are not specified on the plans but should be added. We recommend the Applicant provide either a mock-up board with physical samples of colors and materials, or provide a detailed spec sheet with this information for the board's review.

- b. No elevations were provided for the sides and rear of the building. The height of the building, 4 stories where 3 are permitted, will make the building extremely visible from all sides. Windows on the sides of the buildings should be shown on the architecture plans as well.
 - c. The first-floor stone façade should be reconsidered as a design element to break up the façade. Maintaining the pedestrian and visually friendly street façade is important to the character of the neighborhood and to the Township. The Applicant should discuss other façade designs for the ground level. At a minimum, we recommend the transition between the stone and brick to be at waist height to appear more human scale.
 - d. The Applicant provided precedent images of other town projects, which appear of superior design than what is current proposed on this site. Recommendations can be provided at the request of the Board and Applicant once the more significant issues related to density and intensity have been resolved.
3. The proposed FAR is below the maximum permitted, however, it appears that the calculation is incorrect based on the revised plan to rehabilitate the existing building instead of constructing a new building covering most of the lot. The architecture plan should be revised to provide a breakdown chart including the square feet of each floor, the existing FAR, and the proposed FAR to ensure correct calculations.
 4. The Applicant must revise the elevation plan to represent the correct number of stories. The ground floor shall be considered a story per §255-1.B(2): "story definition."

D. Parking + Circulation Comments:

As discussed in Section III, the Applicant deviates from the conditional use requirement that "An applicant or developer shall provide credible evidence to the satisfaction of the reviewing board that sufficient parking spaces are available and/or reserved in either public or private off-street parking lots for the overnight parking of vehicles of the prospective tenants of the apartment or apartments."

In general, this deviation has several factors for consideration: The proposed parking plan required "c" bulk variance relief, where 77 spaces are required, and 49 spaces are proposed. The plan also deviates from size requirements, and has not indicated compliance with minimum state requirements for electric vehicles. If the Board grants any parking variance, the importance of a loading space becomes exponentially more important. however, no loading accommodations have been made.

As such, we offer the following comments regarding the proposed parking and loading plan:

1. The Applicant shall provide an overview of anticipated vehicle circulation including residents, visitors, and employees of the building. This should include access to the parking area and whether any gates or entrance security systems will be used.
2. The Applicant should discuss the feasibility of 49 parking spaces where 77 parking spaces are required. To offset any parking deficiency, the following should be considered:
 - i. The opportunity to lease parking spaces from nearby parking lots or Zip Car services.

- ii. This proposed development is targeting a demographic that may be more reliant on public transportation. We recommend two of the parking spaces to be dedicated “flex” spaces for ride-share services or deliveries to offset the parking deficiency.
 - iii. Shuttle system between the Site and the train station.
 - iv. How parking spaces will be dedicated/restricted to each use such as residential, retail, and visitors of the property.
3. The Applicant should confirm compliance with ADA parking requirements, such as dedicated egress pathways and obstructions in pathways. The Applicant should update the plans to resolve ADA compliance for parking, building access, and parking reconfiguration.
 4. Per Ordinance, one loading space is required, where none are proposed. The Applicant should discuss where loading/unloading will be located, frequencies of deliveries, and anticipated size of delivery trucks for both the residential and commercial users.

Particular attention should be given to moving trucks for the proposed 39 residential units. We recommend a dedicated loading area should be provided. However, if the Board considers an off-site loading space, a move-in/out operations plan showing routes and scheduling should be provided.

5. The Applicant should discuss the ingress/egress vehicle improvements along South Avenue West, and coordination with Union County since South Avenue West is a County Road. We defer to the Board Engineer regarding the location of this curb cut and pedestrian safety. The width of this curb cut must be added to the plans and demonstrate compliance with the Ordinance. Turning templates should be provided for the parking stalls nearest to the point of ingress and egress along South Avenue West.
6. We note that any improvements within the county or municipal right-of-way remain outside of the Zoning Board jurisdiction must receive appropriate approvals.
7. The provided traffic report indicates that bike racks will be provided where none have been proposed on the plans. The total number of bike racks proposed and their intended location shall be provided on the plans.
8. Per NJ Public Law 2021, Chapter 171, there are requirements for new installation of electric vehicle service equipment and make-ready parking spaces. The Applicant must provide testimony and take action on the following:
 - i. 15 percent of all required parking spaces (77 spaces) must be make-ready spaces, which means 12 make-ready spaces are required to be provided. The Applicant should provide details on the plans related to utilities and identification of the make-ready spaces to confirm compliance or specifically request a deviation.
 - ii. One-third of the 15 percent of make-ready parking spaces (4 spaces) shall be installed with charging stations at the time of occupancy. Please note that “All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.” The Applicant should provide 4 charging stations that will be installed at time of occupancy or request a deviation.
 - iii. Another one-third of installed charging stations is required at 3 years following issuance of the certificate of occupancy, and the final one-third of installed charging stations is

required at 6 years following issuance of the certificate of occupancy. The Applicant should confirm in testimony and with a note on the plans that they will comply with this requirement or specifically request a deviation. Compliance with these long-term requirements should be included in the resolution as a condition of approval.

9. Full comment will be made on parking and circulation items during a site plan review and report, however, we encourage the Applicant to discuss intent to comply or seek variances for items related to circulation, driveways, parking and loading requirements discussed regulated in Section 255-26G of the Ordinance, as it relates to site suitability. Particular attention should be given to ingress and egress, curb cuts, drive aisles, parking stall sizes, and minimum site distances, which appears to require some variance relief.


E. Additional Comments:

1. The Applicant should provide testimony regarding proposed utilities and logistics of waste management including the frequency of trash removal, method, access, and if the proposed trash location is best location. We intend to provide a full review and comment once utility plans have been provided. However, we offer the following preliminary comments:
 - i. The Applicant should confirm the location of all utilities, including meters, and HVAC systems on both the civil and architectural sets.
 - ii. Any outdoor equipment should be screened by landscaping, as required by Section by 255-37J(3)(h).
 - iii. Size and height of all mechanical / HVAC units should be provided.
2. If the Board approves these variances and the Applicant proceeds to request site plan approval, the Applicant must submit the following for review:
 - i. Survey with all titles and easements
 - ii. Revised site plan submission with demolition, grading, utility, drainage, landscape, lighting, construction, and soil erosion and sediment control plans
 - iii. Revised architecture plans
 - iv. Stormwater management report
 - v. Traffic/Parking and circulation plan and turning templates
 - vi. Union County Planning Board approval
 - vii. Environmental Impact Statement

Any revised submission should be accompanied by a response letter to our report and/or a list of changes made the submission, with these changes bubbled or highlighted on the plans.

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

Sincerely,


Greer Patras, AICP, PP
Board Planner