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July 10, 2023

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

Planning Review Letter No. 2
PB-22-001 (Preliminary Minor Subdivision and Preliminary and Final Major Site Plan)
AVIDD Services of New Jersey Inc. (the Applicant)
73-91 Myrtle Street
Block 573, Lots 9, 10, and 12.02
Colliers Engineering & Design Project No. CDP-0018

Dear Ms. Lenahan:

As requested, our office has reviewed application PB 22-001, submitted by AVIDD Services of New Jersey (the Applicant), seeking Preliminary Minor Subdivision and Preliminary and Final Major Site Plan approval along with bulk variance relief approval to construct special needs housing. ***The applicant has provided revised plans, and as such, this letter has been revised to reflect those changes (revisions shown in bold italic).***

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

- Plans entitled, "83 Myrtle Street Supportive Housing, Block 573, Lots 9, 10 & 12.02, Cranford Township, Union County, New Jersey, Preliminary and Final Site Plans." Prepared May 9, 2022, and revised through ***July 7, 2023***, by Jason T. Sciuillo, PE, PP, of Sciuillo Engineering Services, LLC, and consisting of ***10*** sheets.
- Stormwater Management Report, prepared by Jason T. Sciuillo, PE, PP, of Sciuillo Engineering Services, LLC, Dated March 2022.
- Development Application, including Form Nos. 01, 04, 07, 09, 10, 15. Date received by the Township: May 25, 2022, and revised through January 11, 2023.
- Architectural Elevations, prepared November 30, 2022, by Stephen L. Schoch of Kitchen & Associates, consisting of 4 sheets.
- Plan entitled, "Minor Subdivision Plan." Prepared October 18, 2022, by Michael R. Vargo, PLS, of Vargo Associates, consisting of 1 sheet.
- Plan entitled, "Boundary and Topographic Survey." Prepared January 24, 2020, by Michael R. Vargo, PLS, of Vargo Associates, consisting of 1 sheet.

- April 17, 2023, request for recommendations from Cranford Township Professionals and list of variances.
- **Response memo, prepared July 7, 2023 by Jason T. Sciuolo, PE, PP of Sciuolo Engineering Services, LLC.**



Figure 1: Nearmap image of the site (Imagery date: March 5, 2023), with the property boundary approximated.

A. Existing Conditions

The subject site, known as 73-91 Myrtle Street, is a 52,500 sq. ft. tract, consisting of lots 9, 10, and 12.02 in Block 573. The tract is located on the north side of Myrtle Street, with limited secondary frontage along Ludlow Avenue, which is partially improved. The tract is currently vacant and undeveloped. Surrounding uses are predominantly detached single family residential to the east, north, and west, while the properties south of Myrtle Street are commercial/light industrial in character.

B. Applicable Land Use Controls

The subject tract is located in the R-3 One-Family Detached Residence District. The district permits detached single-family dwellings, community residences for the developmentally disabled, farms,

and essential services. The bulk requirements governing such uses is included in the following section. It should also be noted that existing Lots 10 and 12.02 were identified in the Township's 2021 Housing Element and Fair Share Plan as the "Myrtle Street Special Needs Site."

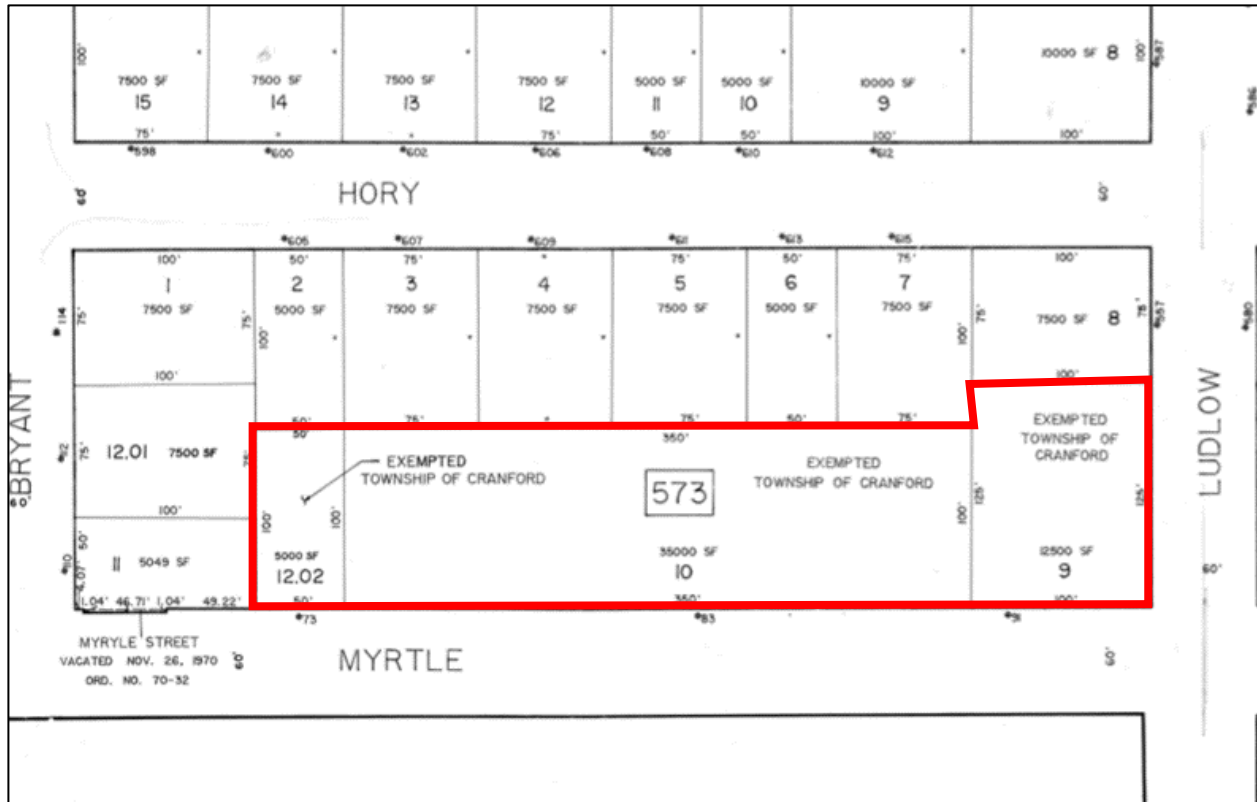


Figure 2: Tax Map of the site, boundaries approximated.

C. Proposed Conditions

The Applicant is seeking to resubdivide existing Lots 9, 10, and 12.02 into proposed Lots 9, 10, 12.02. The proposed subdivision result in a vacant Proposed Lot 12.02, and proposed Lots 9 and 10 would each be developed with a 1 story, 4 bedroom community residence for the developmentally disabled. Lot 9 would also include a stormwater management basin. The two developed lots would share a driveway and parking area located between the two dwellings.

The revised plans have merged the previously proposed Lot 12.02 into proposed Lot 10, increasing the size of proposed Lot 10. The revised plans also show enhanced landscaping along the rear property line shared with the adjacent residential properties, additional landscaping along the front of the buildings, and street trees along Myrtle Street. The revised plans have also eliminated the proposed sidewalk.

BULK REQUIREMENTS - R-3 ONE-FAMILY DETACHED RESIDENCE DISTRICT				
	Required	Proposed Lots		
		9	10	12.02
Minimum Lot Area (sq. ft.)	8,000 sq. ft. 9,200 sq. ft. (corner lots of new subdivisions)	26,467	26,033	<i>n/a</i>
Minimum Lot Width (ft)	65 (interior lots) 75 (corner lots)	239.67	260.33	<i>n/a</i>
Minimum Front Yard Setback (ft)	25*	17 to front porch (v)	17 to front porch (v)	<i>n/a</i>
Minimum Rear Yard Setback (ft)	~30**	29 to patio 36 to building	29 to patio 36 to building	<i>n/a</i>
Minimum Side Yard Setback (ft)	10% of lot width, 7 foot minimum (26 ft required for Proposed Lot 10; 23.9 ft required for Proposed Lot 9)	70	68	<i>n/a</i>
Combined Side Yard Setback (ft)	30% of lot width (71.9 ft required for proposed Lot 9; 78.1 ft required for proposed Lot 10)	160	181	<i>n/a</i>
Maximum Lot Impervious Coverage	38%	29.4	27.8	<i>n/a</i>
Maximum Building Coverage	28%	10.1	10.3	<i>n/a</i>
Maximum Building Height (stories)	2.5	1	1	<i>n/a</i>
Maximum Building Height (ft)	32	23.17	23.17	<i>n/a</i>
Maximum Distance from Front Street Right of Way that Minimum Lot Area May be Measured (ft)	100	100	100	<i>n/a</i>
Minimum Distance from Principal Building to a Railroad or Garden State Parkway (ft)	100	>100	>100	<i>n/a</i>
V-Variance Required *The minimum front yard setback in the R-3 zone is 25 feet, except where a prevailing setback has been established on improved lot within 200 feet of the subject lot, in which case the prevailing setback shall govern, with setbacks not to be less than 20 feet nor more than 35 feet. The Applicant has not provided evidence of a prevailing setback.				

BULK REQUIREMENTS - R-3 ONE-FAMILY DETACHED RESIDENCE DISTRICT			
	Required	Proposed Lots	
		9	10
<p>**Applicant shall provide corrected measurements. The Township's Schedule 1 (Schedule of Zone District Area, Yard and Building Requirements) specifies that the rear yard setback is calculated as 30 percent of the first 100 feet of lot depth, 45% of the next 50 feet of lot depth, 65 % of the next 50 feet of lot depth, and 90% of the balance of the lot depth. The plans submitted by the applicant suggest that the measurement is 30% of the front yard setback. If this provision exists somewhere in the code, the Applicant should clarify; otherwise, plans should be revised to reflect the correct setback measurement.</p>			

D. Variances

The Application requires the following bulk "c" variances:

1. Section 255-34 (Schedule 1): Maximum Impervious Coverage (Lot 10).

The R-3 Zone District requires maximum impervious coverage of 38 percent. The Applicant is proposing 45.4 percent impervious coverage. Bulk variance relief is required to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

Based on the increase in lot area for Proposed Lot 10, this variance has been eliminated.

2. Section 255-34 (Schedule 1): Front Yard Setback (Lot 9).

The R-3 Zone District requires a minimum front yard setback of 25 feet, except where a prevailing setback has been established (See note in previous section). The Applicant is proposing 17 feet from the property line to the covered front porch. Bulk variance relief is required to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

3. Section 255-34 (Schedule 1): Front Yard Setback (Lot 10).

The R-3 Zone District requires a minimum front yard setback of 25 feet, except where a prevailing setback has been established (See note in previous section). The Applicant is proposing 17 feet from the property line to the covered front porch. Bulk variance relief is required to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

4. Section 255-34 (Schedule 1): Side Yard Setback (Lot 10)

The R-3 Zone District requires a minimum side yard setback of 10 percent of the lot width, with a minimum of 7 feet. The lot width for Proposed Lot 10 is 160.33, meaning that a side yard of 16 feet is required. The Applicant is proposing a side yard of 13 feet on its western side. Bulk variance relief is required to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

The expanded lot area for proposed Lot 10 has eliminated the need for this variance.

5. Section 255-44 D(5): Residential Garages (Lot 9).

The ordinance requires all new one- and two-family homes to provide a garage for at least one on-site parking space, whereas no garage is proposed for Lot 9. Bulk variance relief is required to permit this deviation. Is relief cognizable under “C(1)” hardship or “C(2)” flexible variance provisions?

6. Section 255-44 D(5): Residential Garages (Lot 10).

The ordinance requires all new one- and two-family homes to provide a garage for at least one on-site parking space, whereas no garage is proposed for Lot 10. Bulk variance relief is required to permit this deviation. Is relief cognizable under “C(1)” hardship or “C(2)” flexible variance provisions?

7. Section 255-35D(4)—Generator Location.

The ordinance restricts ground mounted generators to the side or rear yard. The proposed generator is technically located within the street side yard of the unimproved section of Ludlow Avenue, which would require a variance. Bulk variance relief is required to permit this deviation. Is relief cognizable under “C(1)” hardship or “C(2)” flexible variance provisions?

“C” Variances

For bulk ‘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 C(2) or flexible “C” variance 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.

Pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-70C), deviation from a bulk standard can be granted under either a “C(1)” hardship variance or a “C(2)” flexible variance.

- A “C(1)” hardship variance can be granted to relieve peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of a specific piece of property that is uniquely affected by (a) exceptional narrowness, shallowness or shape, (b) exceptional topographic conditions or physical features, or (c) other extraordinary and exceptional situation affecting the property or the lawfully existing structures. For a “C(1)” variance, the Applicant must demonstrate that there is some specific physical feature of the property that prevents compliance with the ordinance.

- A “C(2)” flexible variance requires the Applicant to demonstrate that the benefits of allowing the proposed deviation will substantially outweigh any detriments associated with the deviation. The Applicant must show that the requested “C(2)” variance will result in a better plan for the property.

For both “C(1)” and “C(2)” variances, the Applicant must also demonstrate to the Board that:

- The purposes of zoning (see N.J.S.A. 40:55d-2) would be advanced by the proposed deviation. Furthering one or more purposes of zoning would indicate that there is a benefit to granting the proposed variance.
- The variance can be granted without substantial detriment to the public good. The focus is on the impact of the proposed variance upon the adjacent properties and whether or not it will cause such damage to the character of the neighborhood as to constitute "substantial detriment to the public good".
- The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Applicant must demonstrate that the variance is not inconsistent with the intent and purpose of the ordinance requirements from which relief is sought.

E. Waivers/Exceptions

The Applicant has requested the following waivers or exceptions as part of this application:

1. Section 255-26G(3)(a)—Parking Area Setback For Lot 9.

This section of the code requires a 3 foot setback for parking from the side property line. As the parking area is shared between Lots 9 and 10, an exception is required for a 0 foot setback.

2. Section 255-26G(3)(a)—Parking Area Setback For Lot 10.

This section of the code requires a 3 foot setback for parking from the side property line. As the parking area is shared between Lots 9 and 10, an exception is required for a 0 foot setback.

3. Section 255-26G(9)—Lighting in Parking Area.

This section of the code requires a minimum of 1.5 footcandles throughout the parking area. The Applicant is requesting an exception to provide 1.0 footcandles.

As testified at the May hearing, and noted in the response memo, the Applicant is requesting an exception to provide a minimum lighting level of 0.4 footcandles in the parking area.

4. Section 255-26G(9)—Light fixture heights in parking area.

This section of the code requires a maximum light fixture height of 16 feet above grade, whereas the Applicant is seeking an exception to provide 1 fixture measuring 20 feet high. It is not clear

why two smaller fixtures would not be able to provide the same amount of lighting. The Applicant shall clarify.

The revised plans have replaced this light fixture with 5 fixtures, each measuring 12 feet in height, eliminating the need for this exception.

5. Section 255-26L Lookalike provisions.

This section of the code prohibits the construction of dwellings that are “like or substantially like” any existing or proposed neighboring dwelling. The applicant has requested an exception from this requirement.

6. Section 255-26N(2) Tree replacement plan.

The Applicant is suggesting that because the property is wooded, reforestation would be cost generative, and as such, requires an exception.

F. Comments

1. The Applicant shall provide evidence of all outside approvals. ***Continuing comment.***
2. Plans show a brick pad with fire pit on proposed Lot 12.02, which appears to be an encroachment from the adjacent property Lot 3. While the plans show that a playset from Lot 5 and a shed from Lot 8 will be relocated to their respective lots, nothing is shown for this feature. The Applicant shall clarify. ***The response memo suggests that neighboring residents have agreed to move their encroachments.***
3. All necessary steps shall be taken to make the affordable units creditworthy pursuant to applicable law. ***Continuing comment.***
4. The Applicant shall comply with all applicable affordable housing requirements, the Fair Housing Act, any applicable order of the Court, and other applicable laws. ***Continuing comment. The Applicant's response memo indicates that the project will comply.***
5. The Board may wish to hear testimony on snow storage as many operators pile snow in parking spaces, which reduces the number of available spaces. ***Testimony at the May hearing indicated that snow would be stored on the lawn area and would not be placed in any parking spaces.***
6. The applicant should consider, but is not required to provide, adding bicycle racks for its residents. ***The Applicant has indicated that bicycle storage will be provided in the event any staff or resident desires to commute with a bicycle.***
7. The proposed residential units comply with the minimum numbers of off-street parking requirements under the New Jersey Residential Site Improvement Standards. We note, however, that two of the spaces are divided by the proposed property line. The site plans show that the proposed parking and driveway will be part of a proposed cross access easement.

8. Similar to the above, the Applicant shall clarify if a shared maintenance agreement will be prepared for the stormwater basin. ***The Applicant has indicated that a shared maintenance agreement will be required for the stormwater basin.***
9. The Applicant is encouraged to bring in examples of building materials and/or provide conceptual renderings of the proposed building. ***The Applicant has also indicated that the architect will provide testimony on building materials at the next public hearing.***
10. ***The Applicant noted at the May 17, 2023 hearing that they will seek a shared parking arrangement with the commercial facility across the street (National Christmas Tree) to accommodate visitors.***
11. ***The Applicant should consider shielding or additional plantings to reduce the light spillage onto the adjacent residential properties.***

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.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)



Nicholas Dickerson, PP, AICP, CFM
Board Planner

cc: Molly Hurley Kellett, Esq., Planning Board Chair (via email)
Jonathan E. Drill, Esq., Planning Board Attorney (via email)
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