



**CRANFORD FIRE DEPARTMENT**  
**BUREAU OF FIRE PREVENTION & RISK MANAGEMENT**  
7 SPRINGFIELD AVE, CRANFORD, NJ 07016  
PHONE: (908)709-7360  
FAX: (908) 276-6183  
WWW.CRANFORDNJ.ORG

February 14, 2024

MEMORANDUM FOR: Township of Cranford – Planning and Zoning Department

FROM: B/C Matthew J. Lubin /s/  
Fire Official

SUBJECT: Application ZBA-22-009 – REVISED DOCUMENT Submission  
113 North Ave. West; Block 183 – Lot 6  
Applicant: Carwen Management LLC

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The applicant in this matter has submitted a revised site plan, dated January 15, 2024, revised architectural plans, dated February 1, 2024, and a revised cover letter dated January 25, 2024. Our office has reviewed these submissions and has no additional comments regarding this application.

If you have any questions, please feel free to contact our office.

## Lenahan, Kathy

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**From:** Ronald Margulis  
**Sent:** Monday, February 26, 2024 5:07 PM  
**To:** Greer Patras; Lenahan, Kathy; Kevin Boyer; Carl O'Brien; Lubin, Matthew; Demyen, Caren  
**Cc:** Ty Apgar; Justin Cutroneo; Graham Petto; Thomas Jardim  
**Subject:** Re: Revised Documents for 113 North Ave - Carwen Management

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On behalf of the Environmental Commission, we request the issue of impervious surfaces, particularly how effectively the grassblocks/pavers remediate stormwater runoff, be addressed by the applicant prior to approval. We also want to make sure they are required to protect any trees and their root zones from damage or compaction during construction and they install only energy saver appliances.

Thanks!  
Ron

--  
Ron Margulis  
Chair, Cranford Environmental Commission



113 North Avenue West  
Block 183, Lot 6  
Cranford, NJ 07016

February 29, 2024

The DMC has reviewed the revised architectural plans. The revisions to the building type are more consistent with the Special Improvement District Design Criteria standards, however additional architecture details should be developed in the design to enhance the consistency with the requirements. We recommend the following:

Addition of lentils on the ground floor to be consistent with the other levels.

Replacement of the cement stucco with brick for consistency on the facade.

Additional windows on the ground floor to be consistent with other levels.

As we have mentioned before, we welcome the opportunity to work with the Applicant during subsequent revisions, especially as colors, materials, and other design elements are finalized.

If we can be of further help, please reach out to our office.

## Memorandum #3

To: Kathy Lenahan, Land Use Administrator  
From: Kevin Boyer, P.E., C.F.M.  
Date: February 26, 2024  
Subject: 113 North Avenue West  
Block 183, Lot 6  
ZBA-22-009  
C(2) Variance and D(3)-Conditional Use & D(5)- Density Variance Application  
Project No.: CDZ0358A

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Colliers Engineering & Design Inc. dba Maser Consulting has reviewed the application for the proposed construction of a first-floor office and four (4) two-bedroom apartments located on the floors above. Please see the status of each comment reflected in **bold** lettering.

The following has been submitted by the Applicant for review:

- Site Plan titled, "Preliminary & Final Site Plan, No. 113 North Avenue West, Lot 6 Block 183 Tax Map Sheet No. 31" prepared by Harbor Consultants Inc. consisting of **six (6)** sheets, dated 5/10/2022, **revised 1/15/24**.
- Stormwater Calculations prepared by Harbor Consultants, dated June 2, 2022, revised May 24, 2023.
- Architectural Plans, titled, "Proposed Alterations", prepared by Waga Enterprises, consisting of six (6) sheets, dated June 24, 2021, **last revised February 1, 2024**.
- Planning Board Approval Resolution # PB-20-001 Granting Conditional Use Approval for first floor Office Use. Approved May 6, 2020.
- Development Review Committee Memorandum dated 2/22/2023.
- Application packet, submitted by the Applicant, date stamped June 22, 2022, revised 9/16/2022.
- **Engineering response report, consisting of six (6) sheets, prepared by Harbor Consultants Inc., dated 1/25/23.**

The property is located in the Flood Zone X (areas determined to be outside the 0.2% annual chance floodplain), as shown on the Flood Insurance Rate Map (FIRM) for the Township of Cranford, dated September 2006.

The site is not located in the NJDEP State Flood Fringe Area as shown in sheet 1 of the NJDEP Delineation of Floodway and Flood Hazard Area plans, Township of Cranford, New Jersey.

The site is located in the "D-B" Downtown Business District. The property is located approximately 230 feet northeast of the intersection of Orchard Street. The property is currently improved with a one-and-one-half story framed dwelling. The property is also improved with an asphalt driveway and parking area located within the rear portion of the property. There is also a detached garage located in the rear yard as well.

The Applicant is proposing to remove the existing dwelling and detached garage. The Applicant is proposing to construct a new three-story mixed-use building. The building will consist of a commercial use on the first floor and four (4) two-bedroom residential apartments located on the second and third floor. ~~The Applicant is also proposing to expand the existing parking lot in the rear yard.~~ **The Applicant is proposing to remove the existing asphalt parking area and install a pervious paver system.** The Applicant is also proposing to install a refuse area located in the rear of the building, and bike rack in the rear yard. Based on the proposed improvement, ~~the Applicant is increasing the impervious coverage of the site by 1,647 SF; therefore, the project is defined as a major development, as outlined in section 365-2 of the Township Ordinance. The Applicant's improvements to the property are required to comply with the Township's Stormwater Management Ordinance Section 365-4, as the increase in impervious coverage exceeds 1,000 SF.~~ **The Applicant is decreasing impervious coverage on site by 875 SF, therefore the Applicant is not required to comply with the Townships Stormwater Management Ordinance Sections 364 & 365, as the increase in impervious coverage falls below the 300 SF threshold.**

Based on a review of the above-referenced documents, our office offers the following comments:

1. The proposed refuse area is surrounded by parking spaces. The Applicant shall provide testimony regarding how refuse for the site will be managed. *Based on the revised site plans, the Applicant is proposing to relocate the refuse area inside the building. The previous refuse area was 60 SF in size, whereas, the proposed refuse area is about 38 SF. The Applicant shall verify the frequency of refuse pick up and if the proposed area is sufficient for the commercial and residential use. The access doors for the refuse areas open into the ADA parking space. The Applicant shall provide testimony as to how refuse will be managed.* **The Applicant has indicated they will provide testimony.**
  - a. *The Applicant previously testified that a chair lift would be installed. The Applicant shall provide the location of the chairlift on the site plans and on the Architectural plans.* **This comment remains outstanding. The response letter indicated the site plan will be revised to show the location of the chair lift, it is not shown. The Applicant shall revise the architectural plans and the site plans to depict the location of the proposed chair lift.**

- b. *The Applicant previously testified they would install Belgium block curbing around the parking area. The site plan indicates concrete curb will be installed. The Applicant shall revise the site plan accordingly.* **Comment satisfied.**
2. The Applicant shall provide additional information regarding how on-site parking will be determined between the residential use and the commercial use. The Applicant shall provide testimony regarding the need for parking work trucks/vehicles onsite. *The Applicant has not addressed this comment.* **The Applicant has indicated they will provide testimony.**
- 2a. Per ADA standards, the ground surfaces within the parking spaces and access aisles must be 2% or less in slope and free of changes in elevation. The Applicant is showing slopes of higher than the maximum allowable slope at the northern most ADA parking stall. The Applicant shall also ensure changes in level of ¼ " (one-quarter inch) high shall not be exceeded along the paver surface. The Applicant shall ensure the parking spaces are constructed in accordance with ADA parking regulations.**
3. It appears, if the parking area is full, a vehicle will have to reverse to get out of the parking lot onto North Avenue. The Applicant shall provide a turning template to indicate a vehicle has adequate turning space or they shall eliminate a parking space to provide for a turnaround area. *Based on the previous meeting, the Applicant indicated they would provide a turning template. The Applicant has not provided the turning template.* **The Applicant has provided a turning template. The Applicant shall provide the dimensions of the proposed delivery/truck vehicle. Based on the plans submitted, the truck represented on the plans is smaller in size than the vehicles shown on the car turning templates.**
4. The Applicant shall verify the proposed impervious coverage calculations. Based on our calculations, the Applicant is proposing 7,954 SF of impervious coverage which is 86% of the lot area. The site plans and stormwater report shall be revised accordingly. *The site plan has been revised; we take no exception. This comment no longer remains in effect.*
5. The project is considered a major development as defined by the ordinance. The stormwater calculations report shall be revised accordingly. *The revised stormwater report does not reflect that the project is a major development. The Applicant shall revise the stormwater report to reflect that the project is a major development.* **Due to the decrease in impervious coverage the application is no longer deemed to be a major development. The Applicant is proposing a permeable paver parking area to reduce impervious coverage onsite. The Applicant shall provide a detail of the proposed pervious paver system to reflect compliance with Chapter 9.6 of the New Jersey Stormwater BMP manual. The Applicant shall provide calculations and quantify the proposed system to demonstrate the pervious paver system will permeate stormwater in accordance with Chapter 9.6 of the NJ Stormwater BMP manual.**

6. The Applicant shall revise the stormwater management calculations to indicate how the project complies with Section 365-3 of the Township ordinance, which indicates: "Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment." *The Applicant has submitted a revised stormwater report. The report does not indicate the project complies with Section 365 of the Township Ordinance. The Applicant shall revise the stormwater report. **The previously proposed subsurface detention system has been removed from the project. This comment no longer applies.***
7. The Applicant shall revise the stormwater management calculations to elaborate on the green infrastructure measures taken place on the lot. The Applicant shall provide additional information regarding how they comply with the stormwater management regulations outlined in Section 365 of the Township Ordinance. *The Applicant has not addressed this comment. **The project is no longer considered a major development. This requirement no longer applies.***
8. The stormwater calculations shall address the following requirements, as outlined in section 365-4R2 of the Township Ordinance, which requires the Applicant:
  - a. Demonstrate, through hydrologic and hydraulic analysis, that for stormwater leaving the site, post-construction runoff hydrographs for the two-, ten-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - b. Demonstrate, through hydrologic and hydraulic analysis, that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - c. Design stormwater management measures so that the post-construction peak runoff rates for the two-, ten- and 100-year storm events are 50%, 75% and 80%, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed.

*The Applicant has not addressed this comment. **The project is no longer considered a major development. This requirement no longer applies.***

9. The detail in the stormwater calculations report indicates only roof runoff is being directed into the stormwater management system. Based on the site plans, the stormwater management system is also getting water from the parking area. The Applicant shall clarify and revise the report as needed. *The Applicant has revised the stormwater report. The Applicant has complied with this comment.* **The previously proposed subsurface detention system has been removed from the project. This comment no longer applies.**
10. The Applicant is showing an overflow pipe connection, which discharges onto North Avenue. North Avenue is a state roadway. The Applicant shall provide approval from the state regarding the proposed discharge. *The Applicant revised the plans. This comment no longer applies.* **The previously proposed subsurface detention system has been removed from the project. This comment no longer applies.**
11. The detail reflected on sheet 5 indicates the detention area is located in a 3'x3' trench, whereas the stormwater calculation report indicated a size of 3.5'x3'. The detail sheet shall be revised. *The Applicant has revised the detail. The Applicant has complied with this comment.* **The previously proposed a subsurface detention system has been removed from the project. This comment no longer applies.**
12. Soil permeability testing shall be provided prior to the installation of an underground stormwater management system. The soil testing shall be completed as specified in Chapter 12 of the NJSBMP manual. Soil test shall include information regarding the seasonal high-water table (SHWT). Per NJSBMP manual, it shall be confirmed that the bottom of the proposed stone recharge detention is at least two feet (2') above the Seasonal High-Water Table (SHWT). *The Applicant has provided the required soil permeability testing results. The Applicant shall provide testimony regarding the percolation rate. The Applicant shall also revise the stormwater management report to include the drain time for the proposed system using the information obtained in the testing. The Applicant shall ensure the system drains within 72 hours of a rain event.* **The Applicant is proposing a permeable paver system. The Applicant shall ensure the system complies with Chapter 9.6 of the NJ Stormwater BMP Manual. The Applicant shall provide calculations to quantify the proposed permeable paver system operates in accordance with Chapter 9.6 of the NJ Stormwater BMP Manual. The Applicant previously provided soil permeability testing results. The Applicant shall provide testimony regarding effectiveness of the proposed permeable paver system in relation to the soil testing results.**
13. The Applicant shall submit an operation and maintenance (O&M) manual prior to the start of construction to the Township for review and approval. The Applicant shall be aware that the stormwater management plans, report, and O&M manual will also have to be filed with the deed. The Applicant shall submit a copy of the annual maintenance records and inspections to the Township Engineer no later than March 1<sup>st</sup> every year. *The Applicant has not addressed this comment.* **This comment remains in effect. The Applicant shall provide an O&M manual prior to start of construction for review and approval.**





Engineering  
& Design

14. All excavated material shall be removed from the site. No material is to be stored on Township property unless prior approval is obtained from the Township Engineer. Under no circumstances can the Contractor place excavated material within Township property. Any soil disturbance shall be done as set forth by Subsection 351-1. **This comment remains in effect.**
15. The Applicant shall not direct any stormwater towards adjoining properties. The site grading and drainage should not adversely affect or burden the adjacent property owners or pose a negative impact as set forth by Subsection 364-5E.(3). **This comment remains in effect.**
16. No changes in grading are permitted without the submission of a grading plan to the Engineering department for review and approval, as required by Ordinance 351-4. A Professional Engineer or Professional Land Surveyor must prepare any such grading plan. **This comment remains in effect.**
17. The Applicant shall be aware of their responsibility to repair any damage to improvements within the Township Right-Of-Way, including but not limited to, sidewalk, driveway apron, curb, and asphalt pavement, as required by Subsection 367-1. **This comment remains in effect.**
18. The Applicant shall post performance and maintenance bonds with the Township, in accordance with the MLUL requirements. An improvement cost estimate, for both on- and off-site improvements, shall be submitted for the Engineer's review prior to the issuance of a building permit. **This comment remains in effect.**
19. The Applicant shall address the concerns detailed in this report and any concerns of the Board or the Board Professionals that may arise during testimony. **This comment remains in effect.**
20. Should the Board act to approve this application, it should also be subject to any and all other agencies having jurisdiction. **This comment remains in effect.**
21. Upon completion of the site work, and prior to the issuance of a certificate of occupancy, the Applicant shall provide an As-built Survey and As-built Plan showing the constructed improvements for review and approval. **This comment remains in effect.**

Should you have any questions, please do not hesitate to contact our office.

cc: Thomas Jardim, Esq., Zoning Board Attorney (tom@jmslawyers.com)  
Greer Patras, Zoning Board Planner (g.patras@topology.is)  
Carwen Management LLC, Applicant (dghanime1@gmail.com)  
Gary Goodman, Applicant's Attorney, (goodmanlaw23@outlook.com)  
Tony Gallerano, Applicant's Planner & Engineer (info@hcicg.net)  
Gregory Waga, Applicant's Architect (gwaga@wearchitects.com)



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## Planning Report #3

DATE: February 26, 2024  
TO: Zoning Board, Township of Cranford  
FROM: Greer Patras, AICP, PP, Board Planner  
APPLICANT: Carwen Management LLC  
ATTORNEY: Gary S. Goodman, Esq.  
SUBJECT: **APPLICATION (#22-009)  
113 NORTH AVENUE WEST  
BLOCK 183, LOT 6  
PRELIMINARY AND FINAL MAJOR SITE PLAN  
WITH USE VARIANCES AND BULK VARIANCES**

The purpose of this report is to provide the Zoning Board with guidance in its evaluation of Application #22-009, submitted by Carwen Management, LLC ("the Applicant"). The Applicant proposes an addition to the existing structure to create a 3-story building with office space on the ground floor and apartments on the upper floors. The Applicant seeks preliminary and final major site plan approval, d(3) conditional use variance relief, d(5) density variance relief, bulk variance relief, and design waiver relief.

Our office issued Planning Report #2 on November 13, 2023, and the Applicant had their second public hearing before the Zoning Board on November 27, 2023. The Applicant has provided a revised submission on February 2, 2024 in response to the some of the comments from our report and from the hearings, and we have provided updated comments and content in this new report in blue text.

The following items have been received and reviewed:

- A. **Township of Cranford - Development Application Package**, received June 22, 2022, and last revised September 16, 2022.
- B. **Architectural Plan**, consisting of 4 sheets, prepared by WAGA Enterprises Architects, LLC, dated June 24, 2021 and last revised February 1, 2024.
- C. **Preliminary and Final Site Plan**, consisting of 6 sheets, prepared by Harbor Consultants Inc., dated May 10, 2022 and last revised January 15, 2024.
- D. **Storm Water Calculations Report**, consisting of 29 pages, prepared by Victor E. Vinegra of Harbor Consultants Inc., dated June 2, 2022 and last revised May 24, 2023.
- E. **Planning Board Resolution of Approval for Application #PB-20-001**, memorialized on July 15, 2020.
- F. **Soil Test Report**, consisting of 1 page prepared by Johnson Soils Company, dated September 8, 2023.
- G. **Revised Submission Cover Letter**, consisting of 6 pages prepared by Anthony G. Gallerano, PE, PP, Harbor Consultants, Inc., dated January 25, 2024.

## I. EXISTING CONDITIONS

**A. Site Description:** The Site consists of 9,250 SF (0.21 acres) and has frontage along North Avenue West (NJ Route 28). The Site contains a 2-story frame building that contains a 935 SF administrative office for a HVAC company on the ground floor and one residential apartment on the upper floor. In the rear yard, the Site contains a paved parking area with 6 parking spaces along with a two-car detached garage. In the front yard, the Property contains a covered porch, walkways, and a freestanding sign. **See Appendix below for site photos.**

**B. Prior Approval:** The Applicant received conditional use approval from the Planning Board on May 6, 2020 to use the first floor as administrative offices for an HVAC company. Applicable conditions of approval to this application include:

1. Condition #2: *"The first floor of the building shall be limited to an administrative office only for the applicant's HVAC business."*
2. Condition #4: *"No more than four commercial vehicles shall be parked overnight on the property."*
3. Condition #5: *"The applicant shall be responsible for any and all required development fees."*
4. Condition #6: *"The applicant shall be required to submit and obtain a zoning permit for any and all proposed signage and no signage shall be installed without first obtaining said permit."*

**C. Zoning:** Downtown Business (D-B) and Special Improvement District (SID)

**D. Neighborhood Context:** The Site is located within close proximity to Downtown Cranford and is surrounded by a mix of uses including offices, retail/services, and residential. Directly to the east of the Site is an office building, and directly to the west of the Site is a [three-family dwelling](#). To the north across the street is an office building and retail building, and the Site abuts the NJ Transit Rail Line to the south. The Site is also located within walking distance to the Office Residential Character (ORC) zone to the west and single-family residence R-3 zone to the north. *(Aerial by Google, labels and boundaries by Topology approximate)*



**E. Traffic + Circulation:** The Site is accessible via one curb cut along North Avenue West (NJ Route 28). The narrow driveway leads to the parking area in the rear yard which is comparable to properties adjacent to the Site. The Site is located 0.2 miles from the Cranford Train Station, and a NJ Transit bus stop is located close to the Site near the North Avenue West and Orchard Street intersection.

## II. PROJECT PROPOSAL

### A. Proposed Site Improvements:

1. Remove two-car detached garage and associated concrete and porch with steps.
2. Construct 2-story addition to the existing building to create a 3-story mixed-use building that contains the following:
  - Basement:
    - The original proposal at the Board did not include an expanded basement area. The plans submitted at the prior hearing did include a new, expanded basement, but we do not recall any presentation of this to the Board. This space will be excavated and expanded to be approximately 1,600 SF, though no information regarding the use has been provided.
  - First Floor:
    - Expand the existing office space by 896 SF, for a total area of 1,831 SF, to be used by an HVAC company, containing individual offices, breakroom, conference room, storage room, etc.
    - Bike and refuse storage space.
    - Rear entry for the 4 residential apartments.
  - Second Floor:
    - 2 apartment units, each with 2 bedrooms and outdoor balcony.
    - Stairwell access to third floor apartments.
  - Third Floor:
    - 2 apartment units, each with 2 bedrooms and outdoor balcony.
3. Paved parking and driveway area, entirely covered by grass pavers, containing 11 parking spaces, 2 of which are for EV parking and 1 of which is ADA accessible.
4. Additional site improvements include signage, grading, drainage, landscaping, and lighting.

## III. USE VARIANCE DISCUSSION

### A. The Applicant requires the following d(3) Conditional Use Variance Relief:

1. **The Applicant requires d(3) Variance Relief from Section 255-39.B(18):** Office uses in the Downtown Business District are permitted uses only if compliant with the conditions specified in Section 255-39.B(18), included below. The proposed mixed-used building on this lot with office space on the ground floor and residential units on the upper floors does not fully comply with the conditions (specifically the items **bolded**) and therefore requires a conditional use variance.

The conditional use requirements for office uses are as follows, per Section 255-39.B(18):

- a. *Offices shall be permitted on the second floor or above without any limit as to size.*

- b. **Offices (not accessory to any other permitted use) shall only be permitted on the first floor in existing space measuring less than 1,000 square feet or in an existing office-style building that does not have storefront-type windows on the first floor.**
  - c. Space shall be measured from the interior wall surface of the walls encompassing the office.
  - d. First-floor offices shall be required to provide off-street parking.
  - e. No first-floor space for a single occupant may be divided to create an occupant space of less than 1,000 square feet.
2. **The Applicant requires d(3) 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 on this lot with office space on the ground floor and residential units on the upper floors does not fully comply with the conditions (specifically the items **bolded**) and therefore requires a conditional use variance.

The conditional use requirements for residential units 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): Not Meeting Conditional Use:** 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 the following d(5) Density Variance Relief:**

1. **The Applicant requires d(5) 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 18 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 different standard of proof should be applied to d(5) variances under Grubbs v. Slothower, 389 N.J. Super. 377 (N.J. App Div. 2007) than for a d(1). 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.

#### **IV. BULK VARIANCE DISCUSSION**

##### **A. The Applicant requires the following "c" bulk variance relief:**

1. **Lot Impervious Coverage:** where a maximum of 80% of lot impervious coverage is permitted, 64.6% is existing, but ~~82.4%~~ an unknown amount is proposed. (§255-34 Schedule 1)

The Applicant reports a revised proposed impervious coverage of 56.6% due to the usage of grass/turfstone pavers to cover the entire 4,969 SF parking and driveway area. However, per correspondence with the Zoning Officer and review of the Ordinance, turfstone pavers are allowed but no permeable credit is given for them.

Even without accounting for the paver system, the Applicant's coverage calculations add up to a coverage of 78.1%. which means that the building or paved areas was reduced by 4.3% from the prior plans. However, a side-by-side analysis of the plans does not show any obvious changes to the building or paved areas to account for this. The applicant must clarify with exact figures and graphics to determine what was included in the calculation.

Further, the Applicant's coverage chart reports a building footprint of 2,193 SF. However, on the architecture plans, the dimensions provided on the architecture plan yield a higher building coverage. This must be clarified.

2. **Parking Spaces:** where a minimum of 15 parking spaces are required, but only 11 parking spaces are proposed.

For the administrative office use, 1 parking space per 250 SF of net floor area is required, and for the residential use, 2 parking spaces for each 2-bedroom unit is required (§255-44A & B). However, per State Law, the parking requirement decreases by 1 space because the Applicant provides Electric Vehicle parking.

The prior Planning Board approval from May 6, 2020 noted this office use as an administrative office use, and therefore the administrative office use parking requirement remains applicable. If the Applicant is proposing to change the type of office use which would change the parking requirement, that must be confirmed via testimony and notes on the plan.

3. **Freestanding Sign Height:** where a maximum height of 4' above finished grade is permitted, but ~~6.5'~~ 6.33' is proposed. (§255-38.G.4.g.3)

- B. Proof of Standard:** 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 at section 40:55D-70, have been satisfied. The criteria are 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.

**C. Bulk Standards Table:** Compliance with all bulk requirements in the D-B zone is as follows in the table below. The Applicant should confirm all requirements in the table below that are listed as “Applicant to Confirm”.

Bulk Standards (D-B)	Required	Existing	Proposed
Lot Area (Min.)	Not regulated	9,250 SF	No change
Lot Width (Min.)	Not regulated	50'	No change
Front Yard Setback (Min.)	5'	29.5'	16.8' to building 11.8' to balconies
Side Yard Setback (East) (Min.)	0'	8.75'	11.8'
Side Yard Setback (West) (Min.)	0'	1.27'	4.7'
Side Yard Setback (Both) (Min.)	0'	10.02'	16.5'
Rear Yard Setback (Min.)	10'	113.8'	102.7'
Lot Impervious Coverage (Max.)	80%	<del>64.6%</del> 65.3%	<del>82.4%</del> Applicant Must Clarify
Building Height (Max.)	45'	25'-5"	39'-9"
Building Stories (Max.)	3 stories	1.5 stories	3 stories Applicant Must Clarify whether the basement constitutes a story
Density (Units/Acre)	10 units/acre	0	18 units/acre (V)
FAR (Max.)	2.5	<2.5	0.7
Distance from 1- or 2-Family Residence (Min.)	20'	>200'	No change
Parking Spaces (Min.)	<b>Total = 15 spaces*</b> Admin. Office: 1/250 SF of NFA = 8 spaces Residential: 2/2-bedroom unit = 8 spaces EV Bonus = 1 space reduction <b>Basement = TBD</b>	Applicant to confirm	11 spaces (V)
Make-Ready EV Spaces (Min.)	50 or fewer parking spaces proposed = 1 Make-Ready space	N/A	2 spaces
ADA Accessible EV Spaces (Min.)	5% of all EV spaces = 1 space	N/A	1 space
Freestanding Sign Quantity (Max.)	1 sign	1 sign	No change
Freestanding Sign Area (Max.)	12 SF	11.5 SF	No change



Bulk Standards (D-B)	Required	Existing	Proposed
Freestanding Sign Height (Max.)	4'	3.33'	<del>6.5'</del> 6.33' (V)
Freestanding Sign Setback from ROW (Min.)	10'	6.7 (E)	10'
Freestanding Sign Building Front Yard Setback (Min.)	15'	29.5'	16.8'
(V) Variance (E) Existing Non-Conforming			

D. **Design Standards Table:** Compliance with all design standards is as follows in the table below. The Applicant should confirm all requirements in the table below that are listed as “Applicant to Confirm”.

Design Standards	Required	Existing	Proposed
Parking Space Dimensions (Min.)	10' wide x 18' long	Applicant to confirm	9' wide x 18' long (W)
Parking Area Landscaping (Min.)	10% of parking area	Applicant to confirm	Applicant must confirm
Parking Area Screening (Min.)	4' tall berm, fence, wall, or landscaping	Applicant to confirm	Applicant must confirm
Parking Area Trees (Min.)	1 tree/12 spaces = 1 tree	Applicant to confirm	Applicant must confirm
Parking/Loading Area + Driveway Curbing	Granite block	Granite block	Granite block
Parking Area Lighting (Min.)	1.5 FC	Applicant to confirm	<del>0.5 FC (W)</del> 0.4 FC (W)
Parking Area Lighting Fixture Height (Max.)	16'	Applicant to confirm	<del>8' noted but no detail</del> 15'
Bicycle Parking (Min.)	1 space/unit = 4 spaces	Applicant to confirm	Applicant must confirm
Driveway Width	10'-26'	Applicant to confirm	10.8'-11.8'
Loading Spaces (Min.)	1 space	Applicant to confirm	0 spaces (W)
(W) Waiver			

E. **Requested Design Waivers:** The Applicant requires the following design waiver relief from the Land Development Ordinance:

1. **Parking Space Dimensions:** where parking spaces shall be a minimum of 10' wide by 18' long, but 9' wide by 18' long is proposed. (§255-26(G)(3)(a)(1))
2. **Off-Street Loading and Unloading:** where every building occupied by public, semipublic, office, laboratory or commercial uses shall be provided with an off-street loading and unloading space, but no loading spaces are proposed. (§255-26(G)(11))
3. **Lighting in Parking Areas:** where all parking areas shall be lighted to provide a minimum of 1.5 footcandles throughout the parking area, but portions of the parking area have ~~0.5~~ 0.4 footcandles. (§255-26G(9))

## V. PLANNING COMMENTS

### A. Conditional Use + Density Variance Comments:

1. The Applicant should provide an overview of the existing and proposed conditions, development timeline, and relationship to the community and public realm. A summary of the proposed use and site improvements should be discussed in context with the goals of the Master Plan. The

Applicant should provide testimony to the proposed intensity of the site, which requires variance relief for multiple conditions.

Testimony should be provided.

2. As discussed in Section III, the Applicant requires d(3) conditional use variances from Ordinance Section 255-39.B(18) due to the office space exceeding 1,000 SF on the ground floor, and from Ordinance Section 255-39.B(22) due to parking and density. Testimony should be provided regarding the proposed uses on the Site and the required conditional use variances, specifically:
  - a. Intensity of office use from existing 896 SF to 1,831 SF of office space which is over double of what is permitted per Ordinance.
  - b. Intensity of residential use from existing 1 unit to 4 units which is double of what is permitted per Ordinance.
  - c. Hours of operation for the HVAC office.
  - d. Number of employees (total and daily, per shift) for the HVAC office.

The Applicant provided testimony at the November 27<sup>th</sup>, 2023 hearing that there are 14 employees, of which 4 are in the office and the remainder work in the field.

- e. Prior conditional use approval from the Planning Board on May 6, 2020 for ground floor office space that met all the conditions of Ordinance.
  - f. Use of the basement, which will be excavated and expanded to be approximately 1,600 SF.
3. As discussed in Section III, the Applicant requires a d(5) density variance. The maximum permitted density in the D-B zone is 10 units per acre, but the Applicant proposes 18 units per acre, thus requiring d(5) density variance relief. Based on the size of the Site, 2 residential units are permitted, but 4 are proposed.
4. As stated above, the burden of proof is upon the Applicant to demonstrate "that the site will accommodate the problems associated with a proposed use with [a greater density] than permitted by the ordinance" (see *Grubbs v. Slothower*, 389 N.J. Super. 377 (N.J. App Div. 2007))."

The purpose of a maximum density is to limit intensity of use. To evaluate whether increased density is suitable for the Site, the Applicant must prove that the Site can accommodate increased density. In particular, the Applicant should testify to quality of life of for the proposed dwelling units, including sufficient access to light and air, sufficiency of outdoor amenity space, parking/loading, and privacy. The Applicant should discuss the proposal in relationship to adjacent uses, scale, intensity, and character. Particular attention should be relationship of building height, massing, architecture, and sustainable design.

A density variance can only be granted for special reasons; In *Price v. Strategic Capital* (App. Div. 2008), it was determined that it's not enough to say that increase density is appropriate, because this is essentially rezoning. There should be something specific about on the particular application on the particular site with regard to the reasons for the density requirement.

This has still not been provided. Testimony should be provided.

5. The Applicant should review and be prepared to discuss the project in relation to the 2009 Township of Cranford Master Plan and 2019 Master Plan Reexamination Report. The Applicant should be prepared to discuss the nature of the proposed uses, density, associated traffic, and public realm enhancement in relation to the surrounding uses and consistency with the Master Plan.

Testimony should be provided.

#### **B. Architecture Comments:**

1. The Applicant should provide an overview of the proposed building design, massing, colors, and materials. Given the intensity and importance of the variances requested, renderings should be presented to show each facade colors and materials. Colors have still not been provided on the plans.

Testimony was provided at the first and second hearings; however, the Applicant should provide an overview of the revised building design and how it addresses the comments from the Board and DMC.

The brick occupying the whole first floor, then having different material bands at each level, and stucco at the top is a building style unfamiliar to us. The Applicant should present other building forms in history or in the area that have this type of material combination and form, to help demonstrate compliance with the intent of the Ordinance and goals of the Master Plan. Colored renderings should be provided.

The Applicant has revised the architecture plan to provide colored renderings of the front façade and portions of the side facades, however, the proposed colors have still not been labeled on the elevation plans.

We still offer concern about the proportionality of the building, in combination with the colors and materials, as it relates to the area and code.

Additionally, at the second hearing, the Applicant stated that HVAC equipment is proposed to be on the roof and that a chair lift is contemplated, but these items are not shown on the revised plan. The Applicant's response letter says the chair lift was added to the site plans but we cant find them. It should be shown on both plans with dimensions.

2. The Applicant should address the comments from the Cranford DMC, as they are located within the Special Improvement District.

The Applicant should provide testimony regarding how the revised architecture plan addresses the comments from the DMC.

3. The Applicant does not appear to comply with all building design standards per Ordinance Section 255-26.H & I which regulate building materials, articulation, fenestration, etc. The project should be revised to comply or the Applicant must specifically request relief. We recommend compliance with the following particular building design standards:

- a. *Articulation. Variation in the surface is to be achieved with a combination of some or all of the following features: bay windows, balconies, stoops and vertical and/or horizontal demarcations.*

- b. All windows shall be inset in the masonry opening a minimum of three inches and shall be operable (i.e., ribbon windows and extensive glazing such as curtain wall construction shall not be permitted).
- c. The pattern or rhythm of fenestration shall be similar to that of the buildings on the balance of the same or opposite block face to the greatest extent possible.

Per the Historical Preservation Advisory Board letter dated October 20, 2023, "The structure does not fit into the residential nature of the surrounding area. HPAB strongly urges careful consideration of the demolition of any building since demolition and rebuilding irreparable changes the character of the community." The Applicant should be prepared to address all comments from the HPAB.

- 4. The existing building on this Site and the several adjacent buildings have a level of detail and articulation that is consistent with the design intent of the Ordinance and Master Plan (see images below). Such features include porches, molding, cornices, bay windows, multi-pitched roofs, shutters, and gables. The proposed architecture does not contain any of these features or ornamentation. As discussed at the DRC meeting, many different architectural styles are appreciated in Cranford and while new construction does not need to replicate existing forms, new construction must consider proper massing, fenestration, and ornamentation in the context of the ordinance and built environment.

This information has still not been provided.





5. Although the Applicant is compliant with the minimum front yard setback requirement, we recommend the building and sign not be located closer to the street than the other buildings and signs along the street. As proposed, there is a large rear yard setback where the building could be potentially shifted into.

6. Applicability of / compliance with ADA and NJ Barrier Free Subcode should be confirmed on the plans, especially regarding units and routes.

This information has still not been provided.

7. The basement should be added to the elevation plans to show floor to ceiling height. Also, any window/window wells should be added to the plans. Labels must be added to show how the space will be used, whether there will be tables or shelves for storage, etc.

8. The Applicant should confirm if the proposed basement is 3.5 feet or greater above grade, which would technically make the basement a story per Ordinance definition for Story, Above Grade: *"Any story having its finished floor surface entirely above grade, except that a basement shall be considered to be a story above grade where the basement or a portion thereof extends above the adjacent ground area to a height of 3.5 feet or greater as measured from any point of the finished first floor to the lowest finished grade of the ground adjacent to the building."*

If the basement is determined to be a story, then a bulk variance for exceeding the maximum permitted 3 stories would be required.

### C. Parking + Circulation Comments:

1. During the first hearing, the Applicant's engineer said that they would comply with the below parking comments, but additional details should be provided to address all items as discussed below. Revised plans must be provided, or the Applicant must specifically request relief.

2. The Applicant requires a variance for the number of parking spaces. A minimum of 15 parking spaces is required, but only 11 parking spaces is proposed. For the administrative office use, 1 parking space per 250 SF of net floor area is required (8 spaces), and for the residential use, 2 parking spaces for each 2-bedroom unit is required (8 spaces) for a total of 16 spaces. However, per State Law, the parking requirement decreases by 1 space because the Applicant provides Electric Vehicle parking.

The prior Planning Board approval from May 6, 2020 noted this office use as an administrative office use, and therefore the administrative office use parking requirement remains applicable. If the Applicant is proposing to change the type of office use which would change the parking requirement, that must be confirmed via testimony and notes on the plan.

We note that if the Applicant complied with the maximum permitted office size (1,000 SF where 2,400 SF is proposed), they would not need a parking variance.

Additionally, if the Applicant complied with the maximum number of dwelling units (2 units, where 4 are proposed), they would not need a parking variance.

As discussed above, the Applicant should clarify the proposed use of the basement. If the basement will be used as part of the office principal use and is greater than 7 feet tall, then it should be accounted for in the parking requirement. The Applicant should also review the Ordinance definitions of net floor area and gross floor area to provide an accurate calculation. This may result in an increased parking requirement which must be confirmed by the Applicant.

3. The Applicant should provide testimony to explain why less parking than required is justified here and their parking strategy to address the deficiency, including a parking strategy considering the following:
  - a. Anticipated trip generation
  - b. How the parking spaces would be distributed among the residents, office space employees, and guests
  - c. Overnight parking
  - d. Parking for visitors
  - e. Availability of on-street parking spaces
  - f. Opportunities for shared parking (see Ordinance Section 255-44.C)

The Applicant provided testimony at the November 27, 2023 second hearing that four of the employees will park in the back of the property while the rest do not come into the office, and no vans will utilize the parking lot for overnight parking.

4. The Applicant requires design waiver approval for not providing an off-street loading space on the Site. The Applicant should provide testimony regarding the logistics of moving in and out, deliveries for the office use, and other types of deliveries. This should include an overview of loading locations, frequency of truck access, type/size of delivery truck, and expected timing of loading access and deliveries for move-in/out and for the office use. The Applicant should discuss the loading logistics for short-term deliveries such as Amazon and Door Dash.

At the first hearing, testimony was provided that trucks would make deliveries "curbside". However, this section of North Avenue West does not permit on-street parking or loading. In fact, just feet from the driveway, a "no stopping or standing" sign exists. An updated strategy should be presented for review and approval.

At the November 27, 2023 second hearing, the Applicant provided testimony that no deliveries of equipment (i.e. equipment goes directly to job sites) will be made to the Site, in relation to the

office use, but the Applicant indicated that other deliveries will occur such as Amazon and Door Dash.

At the second hearing, it was also discussed that there can be signage to direct trucks to the rear of the Site, but that has not been shown on the revised plan. The Applicant has provided a truck turning plan, and testimony should be provided.

5. Details of the EV charging station and other EV parking design details such as signage, pavement markings, equipment protection, etc. should be provided on the plan in accordance with the State Statute. The shutoff location for the charging stations should be noted on the plans for compliance with the Fire Code.

While the Applicant has included the EV charging station product specifications and shutoff location on the revised plan, the site plan has not been revised to indicate EV parking design details including signage, pavement markings, equipment protection, etc.

6. The Applicant requires a design waiver for parking space dimensions. We offer concern regarding the undersized parking spaces, lack of turnaround space towards the rear of the Site, and potential conflict with the two parking spaces closest to the southwestern corner of the lot.

At the first hearing, the Applicant's engineer said the space was sufficient. We defer this item to the Board Engineer. A vehicle turning plan has been provided, but we defer review to the Board Engineer.

7. Per Ordinance, the parking area and driveway must be curbed with granite block. The Applicant should confirm compliance with this requirement or specifically request design waiver relief.

The Applicant has updated the site plan and construction details to indicate that the parking area and driveway curbing will be Belgian block curb.

The plans previously reported the front of the driveway was 11.8' wide and now it's labeled as 10.8' wide, but it doesn't appear that the actual width changed. This must be clarified.

8. The Applicant has revised the site plan to remove the rear yard refuse area and relocate the refuse storage within the building. The Applicant should discuss how this area will be accessed by people putting trash in, and also by a truck or person taking trash out. If a truck is circulating this area of the Site to collect trash, the ADA accessible space and aisle shall not be used as a trash loading space. If the refuse storage space will contain trash cans to be rolled to the front of the Site, the Applicant should provide testimony regarding the rolling path.

The Applicant shall provide testimony regarding waste management and removal from the proposed refuse area, the frequency of waste removal, and the circulation of any trucks.

9. The Applicant has revised the site plan to remove the rear yard bike racks and provide bike storage within the building. The Applicant should confirm the capacity of the bike storage area with a note on the plans. 4 bike parking spaces are required per Ordinance, and if the Applicant cannot comply, design waiver relief must be requested.

The Applicant has not revised the site plan or architecture plan to confirm the number of bike parking spaces.

10. The Applicant should provide testimony regarding emergency vehicle access, and how snow removal will be handled.

This has still not been provided. Testimony should be provided.

11. We defer all other comments regarding parking, loading, and circulation to the Board Engineer.

#### **D. Landscaping + Stormwater Management Comments:**

1. The Applicant should provide an overview of all existing and proposed landscaping and stormwater management improvements to the Site.

During the first hearing, the Applicant's engineer said that they would comply with the below landscaping comments, but additional details should be provided to address all items as discussed below. Revised plans must be provided, or the Applicant must specifically request relief.

2. The Applicant has revised the site plan to propose grass/turfstone pavers to cover the entire 4,969 SF parking and driveway area, which according to the plan allows for 40% permeability, resulting in a proposed overall lot impervious coverage of 56.6%. However, per correspondence with the Zoning Officer and review of the Ordinance, turfstone pavers are allowed but no permeable credit is given for them.

The use of the turfstone pavers could provide a stormwater management improvement to the Site and help mitigate the Site's impervious coverage. The Applicant should provide testimony regarding the turfstone pavers, specifically related to drainage and maintenance, and present images of the turfstone pavers to the Board. We defer further comment to the Board Engineer.

The actual proposed impervious coverage must be clarified as discussed above in the Bulk Variance Discussion.

3. Per the Cranford Environmental Commission's memo, *"The 20%+ impervious surface increase in an area of town with a serious flooding problem must be closely examined for its storm water impact. The proposed increase in impervious surface translates to the discharge of an additional 750 gallons of stormwater per inch of rainfall. This means that during a significant flood event the new development would contribute more than 7,000 gallons of additional stormwater that carries pollutants into our waterways and will contribute to flooding in our community. The proposed site plans appear to include limited remediation efforts to offset the potential stormwater increase."* We support and emphasize the Environmental Commission's concerns.
4. The Applicant should consider additional landscaping to offset the required deviations from the Ordinance and improve site suitability related to a non-conforming conditional use. The Applicant should provide testimony regarding compliance of the proposed landscaping plan with the requirements of 255-25B(4), 255-26A(3)(i) and 255-26G(8). Where compliance cannot be achieved, a design waiver must be requested. The following requirements should be specifically discussed as they relate to the screening of the proposed parking area:
  - a. *Not less than 10% of the area of each parking area shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the aesthetics,*



*environment and ecology of the site and surrounding area. Waived required parking areas which are landscaped shall not be included in the required 10%.*

- b. Off-street parking areas shall be effectively screened by a berm, fence or wall not less than four feet in height, maintained in good condition, or a screening hedge or other natural landscaping. The screening as required by this subsection may be waived by the Board if, in its judgment, because of topographic or other unusual conditions, said screening is not necessary to protect adjoining property.*
- c. Parking lots shall be planted with trees at a rate of one tree per 12 spaces. Parking shall not extend more than 12 spaces without a tree island break.*

The Applicant has revised the landscaping plan to include more landscaping within the front yard, western side yard, and rear yard that varies in species and sizes. However, the Applicant should confirm compliance or request design waiver relief with the 3 design standards listed above.

- 5. The Applicant proposes 7 NJ Tea plantings in the rear of the Site that will only grow between 2' and 3' tall; however, tall evergreen plantings are recommended in the rear to better buffer the refuse area and parking area.

The Applicant has revised the landscaping plan to provide 5 Bayberry plantings and 3 Artic Fire Red Twig Dogwood plantings instead of 7 NJ Tea plantings in the rear of the Site.

- 6. The Applicant should confirm that all headlight glare from cars in the parking area will be adequately screened.

The Applicant has stated in the resubmission cover letter that "all headlight glare from cars will be adequately screened." The Applicant should note the existing height of the existing wood fences along the side yards to confirm this.

- 7. The Applicant should provide tree protection fencing for all existing trees on the Site and confirm that there will be no disturbance to any trees along the NJ Transit rail line.

The Applicant has stated in the resubmission cover letter that "there will be no disturbance of any trees along the NJ Transit rail line and trees will be protected during construction." The Applicant should revise the plan to provide construction details of the tree protection fencing.

- 8. The Applicant should provide testimony and review compliance of the proposed street trees as required under the requirements for construction in public right-of-way in a Special Improvement District under 255-31A(3), provided for reference below.

- a. Trees. Plant the species and number of required trees as determined by the Township Engineer after consultation with the Cranford Downtown Business and Economic Development Office and the Township Administrator. Trees shall be planted at not less than 40 feet apart and not less than 25 feet from streetlights. Trees shall not be less than three to 3 1/2 inches in caliper measured one foot from the root system, with branches commencing not less than six feet above grade when planted and staked in the approved manner.*

This information has still not been provided.

9. The Applicant should provide testimony regarding the incorporation of any benches and/or planters in consultation with the Cranford Downtown Business and Economic Development Office as required under the requirements for construction in public right-of-way in Special Improvement District pursuant to 255-31A(5) and 255-31A(6).

This information has still not been provided.

10. We defer to the Board Engineer for all other comments regarding grading, drainage, stormwater management, and soil erosion and sediment control.

#### **E. Lighting + Utility Comments:**

1. The Applicant should provide an overview of all existing and proposed utility and lighting improvements to the Site.

During the first hearing, the Applicant's engineer said that they would comply with the below lighting comments, but additional details should be provided to address all items as discussed below. Revised plans must be provided, or the Applicant must specifically request relief.

During the second hearing, the Applicant stated that the sign will be illuminated by 2 spotlight lighting fixtures. If this is proposed, this must be shown on the plans with details of such.

2. The Applicant requires a design waiver for lighting levels in the parking area where 1.5 footcandles is required but 0.5 footcandles is proposed in some portions of the parking area. The Applicant should revise the lighting plan to comply with this requirement for adequate safety in the parking area. Additionally, the lighting plan should be revised to show the proposed lighting levels more clearly.

The Applicant has revised the lighting plan to show the proposed lighting levels more clearly, however, a design waiver is still required since there are proposed lighting levels under 1.5 footcandles, with the lowest lighting level being 0.4 footcandles. We note that the average lighting level in the parking area is 2.16 footcandles.

3. The Applicant proposes lighting fixtures with a color temperature of 4,000K. All site lighting should be provided at maximum 2,700K. The Applicant should confirm that there will be no lighting spillover onto the adjacent properties.

The Applicant has revised the plan to show that all site lighting will be a color temperature of 2,700K. The Applicant has also confirmed via the resubmission cover letter and revised lighting plan that there will be no light spillover onto adjacent properties.

4. The Applicant should provide construction details of all proposed lighting fixtures and the proposed light pole. Details such as fixture type, pole type, colors, and light pole footings should be provided. The Applicant should update the elevation plans to show the proposed building-mounted lights.

The Applicant has revised the lighting plan to include construction details of the lighting fixtures. The proposed light poles are 15' tall and appear more industrial/commercial than residential/mixed use. We recommend a shorter fixture in a color and style more constituent with the area and complementary of the architecture.

Additionally, the elevation plans have not been updated to show the proposed building-mounted lights.

5. Lighting has not been provided at all points of building ingress/egress. This is necessary as it relates to safety and ordinance compliance and should be provided on a revised lighting plan.

The Applicant shows adequate lighting at the rear entrance of the building, but no lighting at the front entrance of the building. The Applicant should provide lighting for the front entrance such as bollard lighting along the walkway or recessed lighting underneath the covered porch.

6. The Applicant should provide testimony and review compliance with street lighting as required under the requirements for construction in public right-of-way in a Special Improvement District under 255-31.A(4), provided for reference below.

- a. *Victorian period street lampposts and fixtures. Install the number of required Victorian period street lampposts and fixtures and all necessary wiring to electrify lampposts and fixtures as determined by the Township Engineer after consultation with the Cranford Downtown Business and Economic Development Office and the Township Administrator.*

The Applicant has indicated on the lighting plan that there is an existing street light along the property frontage, and testimony should be provided.

7. The Applicant should provide testimony regarding all existing and proposed utility meters and HVAC equipment. At the DRC meeting, the Applicant explained that the existing ground-mounted HVAC will be removed, and all new HVAC equipment will either be within the building or on the roof; however, these details are not shown on the plans. The plans must show all equipment and appropriate screening.

This information has still not been provided.

8. Testimony should be provided regarding any utility improvements proposed for the North Avenue West (NJ Route 28) right-of-way. Off-site improvements will require State approval.

This has still not been provided. Testimony should be provided.

9. We defer to the Board Engineer for all other comments regarding utilities, safety, and noise generation.

#### **F. General Comments:**

1. The Applicant should discuss the proposed site demolition. The Applicant should provide a pedestrian detour plan for review and approval by the Board Professionals prior to site construction. The Applicant should participate in a pre-construction meeting with the Board Engineer prior to site disturbance.

This has still not been provided. Testimony should be provided.

2. The Applicant must address the missing information as identified in the above bulk and design standards tables. Any deviations not specifically identified and requested cannot be approved.

The missing information is mainly related to the Ordinance design standards, so the Applicant should provide a design standards table as shown above in this report.

3. The Applicant will be subject to developer fees per Section 255-6 of the Ordinance. If the Board approves this application, this would be a condition of approval.

If the Board approves this application, revised plans should be submitted to address the comments of the Board Professional reports and contain a list of all conditions of approval. This must be submitted for review and approval prior to submission for building permit.

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

Sincerely,



Greer Patras, PP, AICP  
Board Planner

Appendix – Site Photos

