

Lenahan, Kathy

From: Luedecker, Russell - *Police Dept.*
Sent: Thursday, September 21, 2023 9:56 AM
To: Lenahan, Kathy
Subject: RE: 113 North Avenue West - Revised Site/Architectural Plans

Kathy,

I have no additional comments. It appears that they are conforming with the needed parking.

RJL

Good Morning All

113 North Ave West has revised both their site plan and architectural plan after their first meeting with the Zoning Board. I am attaching both for your review. Please let me know if there are any new/additional comments regarding these revised plans. If there are no new comments, please let me know that also.

If you would like a copy of your initial comments on the application, please let me know and I will forward to you what I have.

I would like to get all comments back by November 1st or sooner.

Thank you very much.

Regards,

*Kathy Lenahan
Land Use Administrator
Township of Cranford, NJ
908-709-7211*

To the Cranford Zoning Board:

Regarding the application for 113 North Ave West the Cranford Environmental Commission notes that the proposed redevelopment will add about 1,650 sq. ft. in impervious surface, resulting in a greater than allowed coverage of 82.4%.

Since it's likely that the Army Corp of Engineering (ACOE) project completion may be 10 years away, Cranford should not be approving any developments that increase impervious cover and have the potential to reduce the effectiveness of any executed ACOE effort.

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, so the **Environmental Commission recommends the variance be denied.**

The Environmental Commission is happy to advise the applicant on possible alterations to the plan and/or remediation options. Please do not hesitate to contact the Environmental Commission with any questions or concerns.

Sincerely,

Ronald Margulis

Chair – Cranford Environmental Commission

ron@rampr.com

RECEIVED

OCT 18 2023

**PLANNING & ZONING OFFICE
Township of Cranford**



November 13, 2023

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

The DMC has reviewed the revised architecture. The revisions to the building type are favorable however additional architecture details should be employed to advance the design in a manner more consistent with the existing architecture and the code requirements.

Many buildings in the area have more ornamentation than the currently proposed building. To improve the proposed features, we recommend the front balcony railings be more decorative. Also, additional columns or other vertical or horizontal elements could add dimension that's creates a richer rhythm.

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.

Caren Demyen
Director, Downtown Cranford

Lenahan, Kathy

From: Lubin, Matthew - FIRE DEPT.
Sent: Thursday, September 21, 2023 11:59 AM
To: Lenahan, Kathy
Subject: RE: 113 North Avenue West - Revised Site/Architectural Plans

Hi Kathy,

We have no additional comments regarding the revised plans and will rely on our June 15th memo as our comments.

Have a nice afternoon,
Matt

Good Morning All

113 North Ave West has revised both their site plan and architectural plan after their first meeting with the Zoning Board. I am attaching both for your review. Please let me know if there are any new/additional comments regarding these revised plans. If there are no new comments, please let me know that also.

If you would like a copy of your initial comments on the application, please let me know and I will forward to you what I have.

I would like to get all comments back by November 1st or sooner.

Thank you very much.

Regards,

*Kathy Lenahan
Land Use Administrator
Township of Cranford, NJ
908-709-7211*

Memorandum #2

To: Kathy Lenahan, Land Use Administrator

From: Kevin Boyer, P.E., C.F.M.

Date: November 15, 2023

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

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 five (5) sheets, dated 5/10/2022, **revised 7/27/2023**.
- 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, **revised September 15, 2023**.
- 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.

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 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.

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.**
 - 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.**
 - 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.**
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.**
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.**

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.**
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.**
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.**
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.

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.**
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.**
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.**
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.**
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 1st every year. **The Applicant has not addressed this comment.**

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. **The Applicant has not submitted this information. 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: Mark Rothman, Esq., Zoning Board Attorney (markrothman@robbinsandrobblinsllp.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)
R:\Projects\A-D\CDZ\CDZ0358A\Correspondence\OUT\231115_tva_113 North Ave_Engineering Review #2_CDZ0358A.docx

HPAB



Request for Recommendations from Cranford Township Professionals

TOWNSHIP OF CRANFORD – PLANNING & ZONING DEPARTMENT
8 Springfield Avenue - Cranford, NJ 07016
Phone: (908) 709-7216 * Fax: (908) 276-7664

Application #:	ZBA-22-009
Date Sent to Township Professionals:	<u>SEPTEMBER 21, 2023</u>
Date Due Back to Zoning Office:	<u>NOVEMBER 9, 2023</u>
Date Returned to Zoning Office:	

TO: Cranford Department of Traffic & Safety
 Cranford Health Department
 Environmental Committee
 Downtown Economic & Business Development Office

Cranford Fire Department
 Cranford Engineering Department
 X Historical Preservation Advisory Board

RE: Application # ZBA-22-009
 Applicant: Carwen Management LLC
 113 North Ave West
 Block: 183, Lot: 6, D-B Zone

THESE ARE REVISED PLANS

Applicant is requesting Preliminary and Final Minor Site Plan along with c(2) variances and waivers; a D3 conditional use variance and a D5 density variance for the partial demo and reconstruction for an office on the first floor and four 2-bedroom apartments on the second and third floors.

See attached list of variances/waivers

Type of Variance	LDO Section	Requirement	Relief Requested

HPAB

Following pre-existing conditions:

Type of Variance	LDO Section	Requirement	Relief Sought

PLEASE CHECK ONE:

No negative impacts are apparent from my review of this application as it affects my area of review.

SEE ATTACHED

I request that the Board discuss/require the following items which relate to my area of review during the public hearing on this matter:

Project Hours: _____

Signature:  Date: 10.20.23

HPAB

ZBA-22-009

Received - September 21, 2023

Returned - October 20, 2023

Applicant - Carwen Management LLC

Address - 113 North Avenue West

Block: 183, Lot: 6

Zone - D-B (Down Town Business District)

Constructed - 1920

The existing 1 1/2 story bungalow is to be demolished and a three story rectangular box with a flat roof constructed. The first floor is to contain an office and each of the next two floors will have 2 apartments

The application includes preliminary and final site plan approval with variances.

It appears that little or no changes have been made to the design of this building. The roof is still flat and the elevations are box like. 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. Losing one more historic resource will be taking another step toward losing the charm that makes Cranford attractive to residents and visitors alike.



UNLOCKING POTENTIAL
IN PLACES YOU LOVE

Planning Report #2

DATE: November 13, 2023
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 #1 on June 22, 2023, and the Applicant had their first public hearing before the Zoning Board on June 26, 2023. The Applicant has provided a revised submission in response to some of the comments from our report and from the hearing, however many items have not been provided. We recommend these are submitted prior to the hearing to facilitate the Board's review. All new report content is 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 6 sheets, prepared by WAGA Enterprises Architects, LLC, dated June 24, 2021 and last revised June 8, 2023.
- C. **Revised Architectural Plan**, consisting of 3 sheets, prepared by WAGA Enterprises Architects, LLC, dated September 15, 2023.
- D. **Preliminary and Final Site Plan**, consisting of 5 sheets, prepared by Harbor Consultants Inc., dated May 10, 2022 and last revised July 27, 2023.
- E. **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.
- F. **Planning Board Resolution of Approval for Application #PB-20-001**, memorialized on July 15, 2020.
- G. **Soil Test Report**, consisting of 1 page prepared by Johnson Soils Company, dated September 8, 2023.

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 mixed-use building with ground floor office space and upper floor residential units. 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:
 - First Floor:
 - Expand the existing office space by ~~1,309~~ 896 SF, for a total area of ~~2,244~~ 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 area 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% is proposed. (§255-34 Schedule 1)
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' is proposed. (§255-38.G.4.g.3)

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.

B. 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'
Side Yard Setback (East) (Min.)	0'	8.75'	11.8'
Side Yard Setback (West) (Min.)	0'	1.27'	4.7'

Bulk Standards (D-B)	Required	Existing	Proposed
Side Yard Setback (Both) (Min.)	0'	10.02'	16.5'
Rear Yard Setback (Min.)	10'	113.8'	102.7'
Lot Impervious Coverage (Max.)	80%	64.6%	82.4% (V)
Building Height (Max.)	45'	25'-5"	37'-4" 39'-9"
Building Stories (Max.)	3 stories	1.5 stories	3 stories
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.)	Total = 15 spaces Admin. Office: 1/250 SF of NFA = 8 spaces Residential: 2/2-bedroom unit = 8 spaces EV Bonus = 1 space reduction	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
Freestanding Sign Height (Max.)	4'	3.5'	6.5' (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			

C. 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	Applicant to confirm	Applicant must confirm
Parking Area Lighting (Min.)	1.5 FC	Applicant to confirm	0.5 FC (W)
Parking Area Lighting Fixture Height (Max.)	16'	Applicant to confirm	8' noted but no detail: Applicant must confirm
Bicycle Parking (Min.)	1 space/unit = 4 spaces	Applicant to confirm	Applicant must confirm
Driveway Width	10'-26'	Applicant to confirm	11.8'

Design Standards	Required	Existing	Proposed
Loading Spaces (Min.)	1 space	Applicant to confirm	0 spaces (W)
(W) Waiver			

D. 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 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.
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 935 896 SF to 2,244 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.
 - 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.
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.

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.

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 hearing; 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.

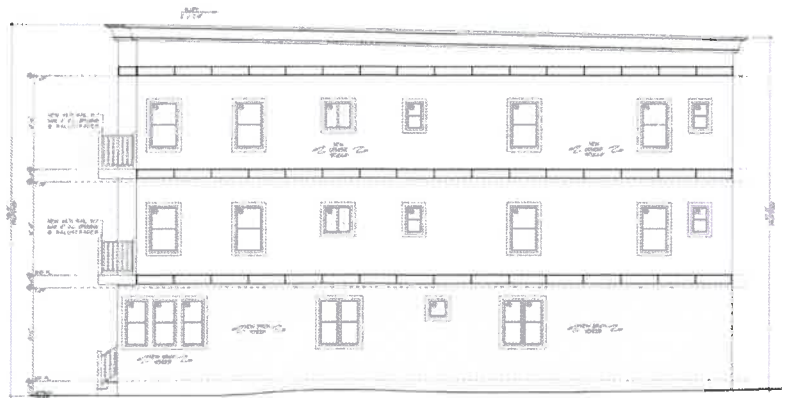
2. The Applicant should address the comments from the Cranford DMC, as they are located within the Special Improvement District.
3. The Applicant does not appear to comply with all building design standards per Ordinance Section 255-26.H & I which regulate building materials, articulation, fenestration, 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.
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.



PROPOSED FRONT ELEVATION
SCALE 1/8" = 1'-0"



GLAZED RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0"

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.

C. Parking + Circulation Comments:

1. During the hearing, the Applicant's engineer said that they would comply with the below parking comments, however no details have been added to the plans to address any of these items. 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.

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)
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 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.

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.
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 hearing, the Applicant's engineer said the space was sufficient. We defer this item 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.

At the hearing, the Applicant testified that they would comply with this requirement; however, the Applicant should update the plans with a note that the parking area and driveway curbing will be granite block.

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.
10. The Applicant should provide testimony regarding emergency vehicle access, and how snow removal will be handled.
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 hearing, the Applicant's engineer said that they would comply with the below landscaping comments, however no details have been added to the plans to address any of these items. Revised plans must be provided, or the Applicant must specifically request relief.

2. The Applicant is proposing to increase the lot impervious coverage from 64.6% to 82.4% which requires variance relief since the maximum permitted coverage is 80%. This is a significant increase to the Site, and the Applicant should provide testimony regarding the proposed stormwater management measures to mitigate the excessive impervious coverage.

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.

3. 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.*
4. 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.
5. The Applicant should confirm that all headlight glare from cars in the parking area will be adequately screened.
6. 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.
7. 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.*
8. 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).
9. 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 hearing, the Applicant's engineer said that they would comply with the below lighting comments, however no details have been added to the plans to address any of these items. Revised plans must be provided, or the Applicant must specifically request relief.
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.
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.
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.
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.
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.*

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.
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.
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.
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.
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

