



UNLOCKING POTENTIAL  
IN PLACES YOU LOVE

## Development Review Committee Memorandum

Date: September 12, 2023  
To: Cranford Development Review Committee  
From: Greer Patras, AICP, PP, Township Planner  
Applicant: David Freund on behalf of 34 Leo LLC  
**SUBJECT: ZBA-23-013**  
**30 Commerce Drive, Block 644, Lot 2**  
**Minor Site Plan with Use + Bulk Variances**

The Township's DRC, established by §255-10 of the Township Code, serves to review all applications for development or requests for review presented to the Planning Board or Board of Adjustment. The DRC consists of applicable Township professionals who review applications for compliance with the technical standards set forth in Article IV – Development Requirements and Standards and other provisions of the Township's Land Development Ordinance. The DRC may make non-binding recommendations on the design and technical elements of any application however it is not the scope of the DRC to argue for or against the merits of any application to be heard by the Planning Board or Board of Adjustment. This memo serves to provide an overview of the project proposal and the items discussed at the DRC meeting.

### I. APPLICATION INFORMATION

**A. DRC Meeting Date:** September 6, 2023

**B. Attending Town Representatives:**

1. Bryan Flynn – Tax Assessor
2. Kevin Boyer – Township Engineer
3. Kathleen Nemeth – Zoning Officer
4. Frank Genova – Construction Code Official
5. Chief Matthew Lubin – Cranford Fire Department
6. Sergeant Russell Luedecker - Cranford Fire Department
7. Kathy Lenahan – Board Administrator
8. Greer Patras & Justin Cutroneo – Township Planning Team

**C. Attending Applicant's Representatives:**

1. David Freund – Applicant
2. Steven Merman – Applicant Attorney
3. Mark Chisvette – Applicant Engineer

**D. Documents Submitted:**

1. **Township of Cranford - Development Application Package**, received May 24, 2023.
2. **Architecture Plan**, consisting of 4 sheets prepared by Robert Murphy Architect LLC, dated March 14, 2023.
3. **Site Plan**, consisting of 8 sheets prepared by Chisvette Engineering, LLC, dated March 14, 2023 and last revised on July 20, 2023.
4. **Stormwater Management Report**, consisting of 38 pages prepared by Chisvette Engineering, LLC, dated July 26, 2023.

### II. SITE INFORMATION:

- A. Block 644, Lot 2 - Commercial C-1 Zoning District
- B. The Site is 13,000 SF (0.30 acres) and comprises of a 1-story single-family dwelling with an attached 1-car garage and front driveway. The Property also contains a shed and asphalt basketball court in the rear yard and concrete walkways in the front, side, and rear yards. The residential use is an existing non-conforming use in this Commercial Zone.
- C. The Site fronts Commerce Drive and is primarily surrounded by commercial uses, but there are some residences nearby along Raritan Road within the Neighborhood Commercial Zone.

**III. PROPOSAL:**

- A. The Applicant proposes to convert the existing single-family dwelling into a Mikvah that will contain the following:
  - 1. Mikvah pool
  - 2. Above ground rainwater collection tank in garage
  - 3. Reception area and 5 prep rooms
  - 4. Storage space

The Applicant also proposes the following site improvements:

- 1. Remove 5 trees and front wall that surrounds existing planter and lamp post
  - 2. New asphalt parking lot with 5 parking spaces (1 ADA) and refuse enclosure, accessed by new curb cut
  - 3. New front, side, and rear yard walkways
  - 4. Repave existing driveway
  - 5. Landscaping, lighting, drainage, and utility improvements
- B. **D(1) Use Variance Discussion:** The Applicant requires d(1) Use Variance Relief from Section 255-36.D(1): The proposed Mikvah use is not a specifically permitted in the C-1 District, therefore, d(1) use variance relief is required. Below is a list of the principal permitted uses within the C-1 District:
    - Business, administrative, executive and professional offices
    - Essential services
    - Industrial and manufacturing uses
    - Hotels
    - Laboratories
    - Professional offices in dwellings
    - Research laboratories
    - Warehouses

At the hearing, the Applicant should be prepared to discuss with the Board the legal standard for "d(1)" use variance relief under N.J.S.A 40:55D-70(d).

**Bulk Variance Discussion:** The following items are existing non-conforming conditions that are not proposed to change with this new application but may require relief due to the change of use to a new non-conforming use. We defer to the Board Attorney whether these need to be re-granted, but in an abundance of caution we recommend they be included in the Application, since it's possible that, for example, side yard setbacks may have been granted under conditions specific to a residential use, and those conditions may not necessarily apply to the new non-conforming use.

- 1. Lot Area (Section 255 Attachment 1):
  - Required: 150,000 SF (Min.)
  - Existing: 13,000 SF existing non-conforming residential lot
  - Proposed: 13,000 SF, change to new non-permitted use

- 2. Lot Width (Section 255 Attachment 1):

- Required: 250' (Min.)
- Existing: 130'
- Proposed: 130', change to new non-permitted use

3. Front Yard Setback (Section 255 Attachment 1):

- Required: 50' (Min.)
- Existing: 25'
- Proposed: 25', change to new non-permitted use

4. Side Yard Setback - South (Section 255 Attachment 1):

- Required: 50' (Min.)
- Existing: 17.7'
- Proposed: 17.7', change to new non-permitted use

5. Side Yard Setback - Combined (Section 255 Attachment 1):

- Required: 100' (Min.)
- Existing: 72.6'
- Proposed: 72.6', change to new non-permitted use

6. Rear Yard Setback (Section 255 Attachment 1):

- Required: 100' (Min.)
- Existing: 33.7'
- Proposed: 33.7', change to new non-permitted use

Additional variances and waivers may be identified during professional reviews.

At the hearing, the Applicant should be prepared to discuss with the Board the legal standard for "C" variance relief under N.J.S.A 40:55D-70(c).

**IV. DRC MEETING COMMENTS + NOTES:**

**A. The Applicant provided the following comments:**

1. The Applicant is proposing to convert the existing single-family residence into a Mikvah, which is similar to a personal service/health club/day spa use.
2. The Mikvah will mainly operate at night between 4 pm to 8 pm as appointment only. Between 6 to 8 customers will be there at once, and no more than 2 employees will be present at any time. The Mikvah will be closed on Saturday and all Jewish holidays and will have limited hours on Fridays.
3. The Applicant is creating parking to comply with zoning, but it will be minimally used, as many clients will be dropped off. A new curb cut with two-way driveway is proposed. A trash area adjacent to the parking will be added.
4. The basement will only be used for storage and laundry, and no people from the public will access the basement.
5. The existing driveway is one parking space and can be used for loading purposes.

**B. The DRC Committee provided the following comments and recommendations:**

**1. Use Comments:**

- a. Mikvahs are not permitted in the C-1 zone. The only permitted uses in this zone are business, administrative, executive and professional offices, essential services, industrial and manufacturing uses, hotels, laboratories, professional offices in dwellings, research laboratories, and warehouses. Use variance testimony will need to be provided as discussed above.

- b. Due to the change of non-permitted use and increased intensity of the Site, the Applicant likely requires bulk variances for all existing non-conforming conditions such as lot area, lot width, front yard setback, side yard setback, and rear yard setback. This should be noted on the bulk chart on the engineering plan and within the bulk variance application form.
- c. The Applicant should provide notes on the floor plan regarding the use of the basement. During the DRC, the Applicant mentioned there would be storage shelves for cleaning equipment and a laundry station. All these areas must be shown on the plans. Also, the plans must specify whether the basement has a floor-to-ceiling height less than or more than seven feet, as it impacts gross floor area (defined below), and parking standards.
  - Definition of gross floor area per Ordinance: *The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls, but not including areas devoted exclusively to off-street parking and loading space for motor vehicles or any space where the floor-to-ceiling height is less than seven feet.*
- d. The Applicant should identify any proposed signage on the architecture plan and show compliance with the Ordinance requirements.

## 2. Parking, Loading, and Circulation Comments:

- a. The parking requirement needs to be confirmed since, per Section 255-44.A(1) of the Ordinance, for unscheduled uses, the off-street parking requirements for uses not listed in Parking Schedule I shall be established by the Board, based upon accepted industry standards. For consideration and comparison to parking calculations provided in the code, the Applicant should evaluate the following parking requirements and what the requirement would be if these calculations were used on this site.
  - Health care facility or clinic: 1 for each 200 square feet of net floor area
  - Gym: 1 for each 150 square feet of net floor area
  - Retail service: 1 for each 250 square feet of net floor area
  - Place of worship, community building, social hall and place of public assembly: 1 for each 3 seats, or 1 for each 72 inches of seating space when benches rather than seats are used; where the specific amount of seating is undetermined, then 1 parking space shall be required for each 25 square feet of assemblage area.
- b. Dependent on the use and ceiling height of the basement, this area may be included in the parking calculation. This must be addressed on the plans.
- c. Per State Law, the Applicant is required to provide 1 EV make-ready parking space. The Applicant should revise the site plan to identify the EV parking space and provide equipment and signage details.
- d. Per Section 255-26G11a, the Applicant requires one off-street loading & unloading space where none is proposed. During the DRC meeting, we recommended the Applicant consider using the existing driveway as a loading space to comply with this design standard. The plans should either label/sign the space for loading, or the Applicant must specifically request a design waiver on the bulk chart of the plans.

## 3. Engineering Plan & Site Design Comments:

- a. The Applicant will need to revise the stormwater management proposal since it was based off of the previous method and regulations. Additionally, the design should be based on the major development stormwater standards if there is a net increase over 1,000 SF, per the Ordinance.

- b. The proposed wall around the stormwater basin is not preferred by both the Planner and Engineer. Alternate locations and configurations should be examined.
- c. The Applicant should consider removing unnecessary impervious coverage (i.e. shed) from the Site. Pervious pavement should also be considered to reduce the total impervious coverage.
- d. The proposed relocated A/C unit should be placed on a concrete pad which should be included in the lot coverage calculations.
- e. The Applicant should provide a separate demolition plan showing all existing improvements that will be removed. Existing improvements that will remain should be noted on the plans.
- f. Per Completeness Report, the Applicant will either have to revise the application to comply with the following design standards or request waivers from the requirements. Requests for design waivers should be listed on Form 4 Appeal for Relief from Zoning Requirements, 2. Appeal Information, and on the Zoning Table on Sheet C-1 of the Site Plan.
  - §255-26G1c - Minimum distances between driveways. Requires where individual driveways serve separate and adjoining sites, it is recommended that a minimum clear distance of 50 feet measured along the right of way line shall separate the closest of any two such driveways. The proposed distance between the proposed driveway and the driveway on the adjacent lot is approximately 38 ft.
  - §255-26G9 - Requires all parking areas to provide a minimum of 1.5 footcandles throughout the parking area. The lighting level at any property line shall not exceed the minimum. The submitted lighting plan shows lighting levels at the property line that exceed the minimum 1.5 footcandles.
  - §255-26G12 - Requires bicycle parking for a minimum of 3 bicycles. No bicycle parking is proposed.
  - Compliance with all applicable design standards (i.e. parking setbacks, buffering, etc.) will be evaluated as part of our full planning/zoning review for the Zoning Board.

**4. Other/General Comments:**

- a. The Applicant must provide a property survey.
- b. The Applicant should provide photos of the Site to show current conditions of the building and rear yard.
- c. For ADA accessibility, the Applicant should consider including a lift chair going into pool and also confirm compliance with all ADA standards.
- d. The Applicant proposes improvements within the right-of-way, so Township approval will be required.
- e. For the Mikvah use, the Building/Fire Department may have to perform annual inspections, and the Health Department will also be involved in the application.
- f. Regarding the tax assessment, the Applicant was advised that changes from the residential use to the proposed commercial use will change the taxes.
- g. The Applicant must provide payment of all outstanding escrow fees as identified in the Completeness Report prior to the scheduled hearing.

- h. The Applicant will be scheduled for the November 6, 2023 virtual Zoning Board meeting, subject to all application filing and noticing requirements. The Applicant will revise the plans and resubmit at least a month before the scheduled hearing.

# 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 #:	<b>ZBA-23-013</b>
Date Sent to Township Professionals:	<b>October 10, 2023</b>
Date Due Back to Zoning Office:	<b>October 26, 2023</b>
Date Returned to Zoning Office:	

TO: Cranford Department of Traffic & Safety ✓ Cranford Fire Department  
Cranford Health Department Cranford Engineering Department  
Environmental Committee Historical Preservation Advisory Board  
Downtown Economic & Business Development Office

RE: 30 Commerce Drive  
Block: 644 Lot: 2 C-1 Zone  
Application # ZBA-23-013  
Applicant: 34 LEO LLC

Applicant is requesting Preliminary and Final Minor Site Plan approval with a d(1) use variance to convert an existing one family residence to a Mikvah (commercial therapeutic bath) in the C-1 Zone. There are also existing non-confirming conditions that are not proposed to change with this application, but may require relief due to the change in use to a new non-conforming use.

Type of Variance	LDO Section	Requirement	Relief Requested
d(1)	§255-36.D(1)	Not specifically permitted in the zone: Mikvah	Proposed: Mikvah

**Following pre-existing conditions:**

Type of Variance	LDO Section	Requirement	Relief Sought
C	§255-34 Attachment 1	Lot Area: Minimum 150,000 SF	Existing: 13,000 SF Proposed: 13,000 SF
C	§255-34 Attachment 1	Lot Width: Minimum 250'	Existing: 130' Proposed: 130'
C	§255-34 Attachment 1	Front Yard Setback: Minimum 50'	Existing: 25' Proposed: 25'
C	§255-34 Attachment 1	Side Yard Setback: Minimum 50'	Existing: 17.7' Proposed: 17.7'
C	§255-34 Attachment 1	Combined Side Yard Setback: Minimum 100'	Existing: 72.6' Proposed: 72.6'
C	§255-34 Attachment 1	Rear Yard Setback: Minimum 100'	Existing: 33.7' Proposed: 33.7

PLEASE CHECK ONE:

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

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

- 
1. Once the use is confirmed please make sure that the correct amount of parking spaces is allotted for both employees and customers.
  2. If the current driveway is being kept, please mark as loading to avoid confusion for customers.
- 

Project Hours: 2

Signature:  Date: 10/26/23

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

Cranford Fire Department  
 Cranford Engineering Department  
 Historical Preservation Advisory Board

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PLEASE CHECK ONE:

~~\*~~

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

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: \_\_\_\_\_ 4 hrs \_\_\_\_\_

Signature: \_\_\_\_\_ Monika Koscova \_\_\_\_\_

Date: \_\_\_\_\_ 10/17/23 \_\_\_\_\_

~~\*~~  
Per Cranford Health Department investigation into this type of facility, Mikvahs are used for religious purification rituals, they do not meet a legal definition of a therapeutic pool and are not under the purview of the N.J.A.C. 8:26 Public Rec. Bathing Standards, CH IX enforced by the Health Department. Therefore, the Cranford Health Department has no jurisdiction, no oversight and no further comments.

To the Cranford Zoning and Planning Boards:

Regarding the application for 30 Commerce Drive, the Cranford Environmental Commission notes that the proposed development will dramatically increase impervious coverage (by over 20%). Their plan for dealing with the increased stormwater runoff is dependent on using permeable pavers and porous asphalt, but they have not included any plan for maintenance of these features. As indicated in the DEP's Green Infrastructure Best Management Practices (BMP) manual, regular and effective maintenance is crucial to ensure effective pervious paving system performance, and maintenance plans are required for all stormwater management features on a major development.

As a result, the Zoning and Planning boards should require that the applicant submit a maintenance plan that comports with the requirements in Chapter 8 of the BMP. In addition, in terms of the proposed porous asphalt and permeable pavers, our town engineer should review the specific design and installation plans to ensure that they are in keeping with the BMP's set forth in NJ Stormwater BMP Manual Chapter 9.6. If they aren't engineered and installed correctly, they're virtually useless in terms of stormwater management. The two proposed infiltration areas add about 1,650 sq. ft. in impervious surface, resulting in a greater than allowed coverage of 82.4%.

The landscaping plan includes a HIGHLY invasive plant - Japanese barberry (*Berberis thunbergii*), which has wreaked havoc in our natural areas, including Watchung Reservation. Planting of Barberry should not be permitted in our municipality. Additionally, they propose to plant boxwood, which while non-native, does not support native wildlife, and is highly prone to disease including a significant threat from boxwood blight. As an alternative, we propose Inkberry Holly or Virginia Sweetspire.

The Environmental Commission opposes the request to increase maximum parking lot light levels from 1.5 to 2.7-foot candles. Many studies have shown that nighttime lighting dramatically impacts the behavior of moths and migrating birds, and other wildlife, and is considered a form of pollution. It is also highly disruptive to sleep patterns for wildlife and humans.

The Environmental Commission is happy to further 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 30 2023

**PLANNING & ZONING OFFICE**  
**Township of Cranford**



**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

October 20, 2023

MEMORANDUM FOR: Township of Cranford – Planning and Zoning Department

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

SUBJECT: Application ZBA-23-013  
30 Commerce Drive; Block 644 – Lot 2  
Applicant: 34 Leo, LLC

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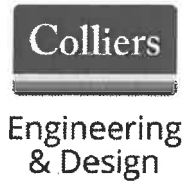
The Cranford Fire Department has conducted a review of the subject application and supportive documents submitted for the above referenced application before the Zoning Board.

The applicant in this matter seeks a D(1) use variance and is requesting site plan approval to convert an existing single-family residential dwelling into a Mikvah (commercial religious therapeutic bath). The applicant represents that the operation of the facility will be akin to a private, appointment-only health club which is not open to the general public.

There are no impacts or concerns apparent based on the Fire Department area of review of this application with respect to the use variance, or the potential other relief which may be requested concerning pre-existing non-conforming conditions.

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

400 Valley Road  
Suite 304  
Mt. Arlington, New Jersey 07856  
Main: 973 810 0091



## Memorandum

To: Kathy Lenahan, Land Use Administrator  
From: Kevin Boyer, P.E., C.F.M.  
Date: October 31, 2023  
Subject: 30 Commerce Drive  
Block 644, Lot 2  
ZBA-23-013  
Minor Site Plan Approval, C1, C2, & D1 Variances  
Project No.: CDZ0374A

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Colliers Engineering & Design Inc. dba Maser Consulting has reviewed the application for the proposed minor site plan approval with variances.

The following has been submitted by the Applicant for review:

- Architectural Plans titled, "Proposed Interior Alterations to Construct New Community Mikvah, 30 Commerce Drive, Lot 2, Block 644, Township of Cranford, Union County, New Jersey", prepared by Robert Murphy Architect LLC, consisting of four (4) sheets, dated 3/14/2023, revised 7/14/2023.
- Site Plans titled "Preliminary / Final Site Plans for Proposed Mikvah Conversion, 30 Commerce Drive, Block 644, Lot 2, Township of Cranford, Union County, New Jersey", consisting of nine (9) sheets, prepared by Chisvette Engineering, dated 3/14/2023, revised 9/29/2023.
- Stormwater Management Report, consisting of thirty (30) sheets, prepared by Chisvette Engineering, signed and dated 7/26/2023, revised 9/29/2023.
- Form 01/Board Application, dated 5/24/2023, Form 04/Appeal for Relief from Zoning Requirements, dated 5/24/2023, Form 05/Use Variance Application, dated 5/24/2023, and Form 09/Preliminary Approval of Site Plan, dated 5/24/2023.

The property is located in the Zone X (areas determined to be outside the 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 Flood Fringe Area as shown on the NJDEP Delineation of Floodway and Flood Hazard Area Plans, Township of Cranford, New Jersey.

The site is located in the "C-1: Commercial-1" subdistrict. The property is currently improved with a single-family house, a frame shed in the southern corner of the lot, a rear asphalt area, and an asphalt driveway located on Commerce Drive.

The Applicant is proposing to convert the interior of the existing single-family home into a Mikvah. The Applicant is also proposing a concrete walk that leads from the sidewalk, around the side of the house, to the rear of the structure, an asphalt parking area, a new concrete dumpster pad located in the rear of the property, a concrete driveway apron, and to repave the existing asphalt drive. The Applicant is proposing to increase the impervious coverage on the site 2,626 SF. The Applicant's improvements to the property are required to comply with the Township's Major Development Stormwater Management Ordinance Section 365, 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 Applicant is showing five (5) total parking spaces on site, the Applicant shall provide testimony regarding the anticipated usage and personnel capacity of the proposed Mikvah.
2. The Applicant is not considering the driveway area in their parking tabulation. The Applicant shall indicate if parking is permitted in this area. If so, the parking table shall be revised to show that additional parking location. If parking is prohibited, then signage shall be installed to indicate as much.
3. The Applicant is showing a note that states "Divert D.S. to Mikvah Storage Tanks. See Plumbing Plans", the Applicant shall clarify if they are proposing a rainwater harvesting system.
4. The Applicant shall provide testimony regarding fencing around the detention system. The Applicant may want to consider additional screening measures as the basin will be located in the front yard area of the site.
5. The Applicant shall provide our office with the soil permeability testing results for review and approval. The soil testing shall be signed and sealed by a NJ Licensed Engineer. The soil testing shall be done in accordance with Chapter 12 of New Jersey's Stormwater BMP Manual. The Engineer shall also certify the stormwater management system will be located at least two feet (2') above the SHWT. A note to this effect shall be added to the site plans.
6. As per NJDEP Stormwater BMP Manual Chapter 9.8, the maximum interior slope for an earthen dam, embankment or berm is 3:1. The Applicant is proposing wall slopes of 2:1. The Applicant shall revise the basin design to comply with NJ BMP requirements.

7. The Applicant is showing one (1) infiltration basin detail. The Applicant is proposing two (2) infiltration basins, the basins have different geometry. The Applicant shall provide a detail for each of the proposed basins.
8. The effectiveness of the proposed permeable paver area will be dependent on the soil permeability results. The proposed paver area may require the installation of a perforated pipe to facilitate drainage.
9. The Applicant is proposing two (2) infiltration basins for the project. One (1) will receive stormwater from the roof area and the other basin will receive stormwater from the parking lot area. The stormwater report does not provide a breakdown of the areas going to each basin. The Applicant shall revise the report.
10. The Stormwater report indicates the stormwater reduction only apply to the newly disturbed area. The drainage report should be updated to reflect reductions to the entire drainage area, which includes the existing roof.
11. The Applicant is proposing improvements in the Township Right-of-Way. The Applicant shall be aware they are required to obtain the appropriate road opening permit(s) for these improvements.
12. The Applicant is showing a trash enclosure located at the rear of the parking area. The Applicant shall provide testimony regarding the proposed trash location and frequency of pickup. The Applicant shall provide a turning template reflecting proposed trash enclosure access.
13. 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).
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.
15. 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.
16. The Applicant shall call to coordinate inspections with the Engineering Department 24-hours prior to start of construction as related to grading and drainage improvements on-site.

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.

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

cc: Mark Rothman, Esq., Zoning Board Attorney (markrothman@robbinsandrobbinsllp.com)  
Greer Patras, Zoning Board Planner (g.patras@topology.is)  
Kathleen Nemeth, Zoning Officer (k-nemeth@cranfordnj.org)  
34 Leo LLC, Applicant (jdgroup112@gmail.com)  
Stephen F. Hehl, Esq., Applicant's Attorney (shehl@lawjw.com)  
Mark Chisvette, Applicant's Engineer (mark@chisvette.com)  
Frank Brancato-Robert Murphy, Applicant's Architect (fpb3@optonline.net)

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H.P.A.B



# 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

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

Cranford Fire Department  
 Cranford Engineering Department  
 X Historical Preservation Advisory Board

RE: 30 Commerce Drive  
 Block: 644 Lot: 2 C-1 Zone  
 Application # ZBA-23-013  
 Applicant: 34 LEO LLC

Applicant is requesting Preliminary and Final Minor Site Plan approval with a d(1) use variance to convert an existing one family residence to a Mikvah (commercial therapeutic bath) in the C-1 Zone. There are also existing non-confirming conditions that are not proposed to change with this application, but may require relief due to the change in use to a new non-confirming use.

Type of Variance	LDO Section	Requirement	Relief Requested
d(1)	§255-36.D(1)	Not specifically permitted in the zone: Mikvah	Proposed: Mikvah

HPAB  
ZBA-23-013

Following pre-existing conditions:

Type of Variance	LDO Section	Requirement	Relief Sought
C	§255-34 Attachment 1	Lot Area: Minimum 150,000 SF	Existing: 13,000 SF Proposed: 13,000 SF
C	§255-34 Attachment 1	Lot Width: Minimum 250'	Existing: 130' Proposed: 130'
C	§255-34 Attachment 1	Front Yard Setback: Minimum 50'	Existing: 25' Proposed: 25'
C	§255-34 Attachment 1	Side Yard Setback: Minimum 50'	Existing: 17.7' Proposed: 17.7'
C	§255-34 Attachment 1	Combined Side Yard Setback: Minimum 100'	Existing: 72.6' Proposed: 72.6'
C	§255-34 Attachment 1	Rear Yard Setback: Minimum 100'	Existing: 33.7' Proposed: 33.7'


PLEASE CHECK ONE:

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

\_\_\_\_\_ 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-22-013

Received - October 10, 2023

Returned - October 26, 2023

Applicant - 34 LEO LLC

Address - 30 Commerce Drive & Raritan Road

Block: 644; Lot: 2

Zone - C-1 (Commercial District 1)

Constructed - 1959

The application includes preliminary and final minor site plan approval with variances. A use variance is required to convert an existing one family residence into a commercial use not permitted in the C-1 zone.

The interior of this existing 1 story residential ranch residence is to be revised into a commercial therapeutic bath (Mikvah) with major revisions to the site for parking (eight spaces are required, 5 are to be provided).



UNLOCKING POTENTIAL  
IN PLACES YOU LOVE

# Planning Report #1

DATE: November 2, 2023

TO: Zoning Board, Township of Cranford

FROM: Greer Patras, AICP, PP

APPLICANT: David Freund on behalf of 34 Leo LLC

ATTORNEY: Steven Merman, Esq.

SUBJECT: **APPLICATION ZBA-23-013  
30 COMMERCE DRIVE  
BLOCK 644, LOT 2  
MINOR SITE PLAN WITH USE + BULK VARIANCES**

The purpose of this report is to provide the Zoning Board with guidance in its evaluation of Application ZBA-23-013, submitted by David Freund on behalf of 34 Leo LLC (“the Applicant”). The Applicant proposes to convert the existing single-family dwelling into a Mikvah. The Applicant seeks Minor Site Plan approval, d(1) use variance relief, and bulk variance relief.

The following items have been reviewed:

- **Township of Cranford - Development Application Package**, received May 24, 2023.
- **Architecture Plan**, consisting of 4 sheets prepared by Robert Murphy Architect LLC, dated March 14, 2023 and last revised on October 27, 2023.
- **Site Plan**, consisting of 8 sheets prepared by Chisvette Engineering, LLC, dated March 14, 2023 and last revised on October 27, 2023.
- **Stormwater Management Report**, consisting of 30 pages prepared by Chisvette Engineering, LLC, dated July 26, 2023 and last revised on September 29, 2023.
- **Property Survey**, consisting of 1 sheet prepared by Clearpoint Services LLC, dated July 12, 2021.
- **Engineering Response Letter**, consisting of 2 pages written by Chisvette Engineering, LLC, dated October 25, 2023.

## I. EXISTING CONDITIONS

**A. Site Description:** The Site is a 13,000 SF (0.30 acres) lot located along Commerce Drive. The Site comprises of a 1-story single-family dwelling with an attached 1-car garage and front driveway. The Property also contains a shed, patio, covered area, and asphalt basketball court in the rear yard and concrete walkways in the front, side, and rear yards. Additionally, the house has a front, side, and rear porch, and one A/C unit is located within the side yard. The residential use is a legally existing non-conforming use in this Commercial Zone. **(See Appendix below for Site photos)**

**B. Zoning:** Commercial-1 (C-1)

**C. Neighborhood Context, Traffic + Circulation:** The Site is accessible via one curb cut along Commerce Drive, which serves as ingress and egress for the Site. The Site is primarily surrounded by various commercial uses, but to the west, the Site is adjacent to an assisted living facility. Additionally, the Site is in close proximity to some residences along Raritan Road within the Neighborhood Commercial Zone and is near the Garden State Parkway.



*(Aerial courtesy of Google, with approximate site boundary in yellow by Topology)*

## II. PROJECT PROPOSAL

**A. Proposed Project:** The Applicant proposes to convert the existing single-family dwelling into a Mikvah that will contain the following:

1. Mikvah pool.
2. Above ground rainwater collection tank in garage.
3. Reception area and 5 prep rooms.
4. Storage space and laundry area.

The Applicant also proposes the following site improvements:

1. Remove 5 trees, shed, side and rear walkways, patio, asphalt basketball court, covered area, and front wall that surrounds existing planter and lamp post.
2. Asphalt parking lot with 5 parking spaces (1 ADA and 1 EV Make-Ready) and refuse enclosure, accessed by new curb cut.
3. Repave existing driveway with permeable pavers for use as loading area with associated signage and new concrete apron.

4. New front, side, and rear yard permeable paver walkways.
5. Relocate existing A/C unit from the side yard to the rear yard.
6. 2 infiltration basins within the front yard.
7. Landscaping, lighting, drainage, and utility improvements.

### III. USE VARIANCE DISCUSSION

#### A. The Applicant requires the following d(1) Use Variance Relief:

1. **The Applicant requires d(1) Use Variance Relief from Section 255-36.D(1):** The proposed Mikvah use is not a specifically permitted use in the C-1 District, therefore, d(1) use variance relief is required.

Below is a list of the principal permitted uses within the C-1 District:

- Business, administrative, executive and professional offices
- Essential services
- Industrial and manufacturing uses
- Hotels
- Laboratories
- Professional offices in dwellings
- Research laboratories
- Warehouses

2. **The standard for D(1) variance relief under N.J.S.A. 40:55(d)-70(d)(1):**

Prior to the 1948 land use law amendments, a use variance could only be granted if an undue hardship was proven. The prerequisite of proving "unnecessary hardship" was substituted with the authority to grant a variance "in particular cases and for special reasons." This meant that the board of adjustment had the authority to grant a variance with the proof of special reasons, and including but not limited to undue hardship.

In 1952, *Ward v. Scott* N.J. 117, clarified that "special reasons" was circumscribed by the general purposes of zoning. The 1975 Municipal Land Use Law lists the purposes of zoning in N.J.S.A. 40:55D-2. A-O. "Special reasons" is more generally referred to as the positive criteria for a use variance.

The accepted standard for reviewing a use variance is set forth in *Medici v. BPR Co.*, 107 N.J. 1 (1987). The Applicant must provide testimony in support of the D(1) use variance and demonstrate both the "positive criteria" and the "negative criteria."

- 1) Under the "positive criteria," the Applicant must show that there are "special reasons" for a use variance:
  - a. That the purposes of zoning listed in the MLUL at NJSA 40:55D-2 are advanced,
  - b. That the use is particularly suited to the property; and
  - c. Must also meet the enhanced burden of proof, by demonstrating that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance

OR

  - d. Instead of advancing the purposes of zoning, as a "special reason", the Applicant must demonstrate and prove that there is an extreme or undue hardship that exists that prevents the site from being used as it is zoned.
- 2) Under the "negative criteria", there are two prongs that the Applicant must prove that the variance can be granted without:

- a. Prong 1 – Substantial negative impact on the general welfare, AND
- b. Prong 2 – Substantial impairment of the intent and purpose of the zone plan and zoning ordinance

### 3. Master Plan Review:

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 non-permitted use, associated traffic, and public realm enhancement in relation to the surrounding uses and consistency with the Master Plan. The Applicant should be prepared to discuss the following goals from the Master Plan:

1. *"The proposed Commercial - 1 district is more commonly known as the Cranford Business Park. The intent is to encourage the conversion of uses into a Class "A" office park in a campus-like environment. Quality building layout and design combined with appropriate landscaping are needed to retain the high quality industrial park atmosphere. However, given the differences in existing lot sizes and the desire to encourage the retention of existing large lots in the ROI-1 district there continues to be a land use planning need to retain two commercial districts in comparison to three (3) ROI districts that exist in accordance with the existing zoning at the time this Master Plan was written. The development and retention of existing and new users in the Cranford Business Park is an important economic development objective for the Township.*  
  
*The range of principal permitted uses should include business, administrative, executive and professional offices, child care centers, research laboratories in a campus-like setting and restaurants/cafeterias as an accessory use to the principal use. Stand-alone restaurants as a principal permitted use should be prohibited."* 2009 Master Plan Page LU-29
2. *"Continue to develop commercial and business (i) in the Downtown, (ii) on the North, South and Centennial Avenues, and (iii) in existing centers of commerce."* 2019 Master Plan Reexamination Report Page 61
3. *"Promote and encourage the use of sustainable building and development practices."* 2019 Master Plan Reexamination Report Page 62
4. *"Promote stormwater best management practices to improve local drainage patterns and enhance the environment through implementation of Cranford's Stormwater Management Plan."* 2019 Master Plan Reexamination Report Page 63
5. *"Preserve existing trees to improve air quality, reduce erosion, and to preserve community character."* 2019 Master Plan Reexamination Report Page 63
6. *"Promote development in existing nonresidential areas that accommodate alternative modes of transportation and shared parking."* 2019 Master Plan Reexamination Report Page 63
7. *"Coordinate land uses and transportation investments to encourage alternatives to driving such as mass transit, bicycle and pedestrian pathways."* 2019 Master Plan Reexamination Report Page 64
8. *"Encourage quality architectural and landscape design through the use of design standards that are consistent with the architectural history of the surrounding neighborhood."* 2019 Master Plan Reexamination Report Page 66

**M. BULK VARIANCE DISCUSSION**

**A. The following items are existing non-conforming conditions that are not proposed to change with this new application, however require relief from §255-34 Schedule 1 due to the change of use to a new non-conforming use:**

1. **Lot Area:** where a minimum of 150,000 SF is required, but 13,000 SF is existing and proposed.
2. **Lot Width:** where a minimum of 250' is required, but 130' is existing and proposed.
3. **Front Yard Setback:** where a minimum of 50' is required, but 25' is existing and proposed.
4. **Side Yard Setback (South):** where a minimum of 50' is required, but 17.7' is existing and proposed.
5. **Side Yard Setback (Combined):** where a minimum of 100' is required, but 72.6' is existing and proposed.
6. **Rear Yard Setback:** where a minimum of 100' is required, but 33.7' is existing and proposed.

**B. Standard of proof for "c" bulk variances:** 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 C-1 zone is as follows in the table below.

Bulk Standards (C-1)	Required	Existing	Proposed
Lot Area (Min.)	150,000 SF	13,000 SF (E)	<b>13,000 SF (M)</b>
Lot Width (Min.)	250'	130' (E)	<b>130' (M)</b>
Front Yard Setback (Min.)	50'	25' (E)	<b>25' (M)</b>
Side Yard Setback – North (Min.)	50'	54.9'	No Change
Side Yard Setback – South (Min.)	50'	17.7' (E)	<b>17.7' (M)</b>
Side Yard Setback – Combined (Min.)	100'	72.6' (E)	<b>72.6' (M)</b>
Rear Yard Setback (Min.)	100'	33.7' (E)	<b>33.7' (M)</b>
Floor Area Ratio (Max.)	3.0	0.15	No Change
Building Coverage (Max.)	35%	16.17%	No Change



Bulk Standards (C-1)	Required	Existing	Proposed
Lot Impervious Coverage (Max.)	70%	31%	51.2%
Building Height (Max.)	75'	18'-8"	No Change
Building Stories (Max.)	6	1	No Change
Distance to 1- or 2-Family Zone (Min.)	100'	150'	No Change
A/C Unit Location	Side or Rear Yard	Side Yard	Rear Yard
A/C Unit Setback (Min.)	5'	>5'	>5'
Parking Spaces (Min.)	In accordance with industry standards – TBD*	2 spaces	5 spaces
EV Make-Ready Parking Spaces (Min.)	1 space	N/A	1 space
(E) Existing Condition (M) Variance *See parking discussion below.			

**D. Requested Design Waivers:** The Applicant requires the following new design waiver relief from the Land Development Ordinance for the new conditions on the lot:

- 1. Parking Space Dimensions:** where parking spaces shall be a minimum of 10' wide, but 9' wide long parking spaces are proposed. (§255-26(G)(3)(a)(1))
- 2. Parking R.O.W Setback:** where parking spaces shall be setback from the right-of-way in accordance with the required building setback of 50' minimum, but a 25' setback is proposed. (§255-26(G)(3)(a))
- 3. Lighting in Parking Areas:** where the lighting level at any property line shall not exceed 1.5 footcandles, but 2.67 footcandles is proposed at the front property line. (§255-26G(9))
- 4. Bicycle Parking:** where a minimum of 3 bicycle parking spaces is required, but none are proposed. (§255-26G(12))
- 5. Distance Between Driveways:** where two or more driveways connect a single site to any public or private road or individual driveways serve separate and adjoining sites, it is recommended that a minimum clear distance of 50 feet measured along the right-of-way line shall separate the closest of any two such driveways measured from the rights-of-way, but only a 40' separation is proposed. (§255-26(G)(1)(c))
- 6. Loading Space Location:** where loading spaces shall not occupy the any part of any required front or side yard, but a loading space is proposed within the required front yard. (§255-26G(11)(b))

**E. 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	Proposed
Parking Space Width (Min.)	10'	9' (M)
Parking Space Length (Min.)	18'	18'
Parking R.O.W. Setback (Min.)	50'	25' (M)
Parking Side Yard Setback – North (Min.)	5'	6'
Parking Side Yard Setback – South (Min.)	5'	>5'
Parking Rear Yard Setback (Min.)	5'	>5'
Parking Setback from Residential Zone (Min.)	25'	>25'
Parking Area Landscaping (Min.)	10% of parking area	Applicant to Confirm
Parking Area Screening (Min.)	4' tall landscaping, berm, fence, or wall	Applicant to Confirm
Parking/Loading Area + Driveway Curbing	Granite block	Applicant to Confirm

Design Standards	Required	Proposed
Parking Area Lighting (Min.)	1.5 FC	>1.5 FC
<b>Parking Area Lighting at Property Line (Max.)</b>	1.5 FC	<b>2.67 FC (W)</b>
Parking Area Lighting Fixture Height (Max.)	16'	14'
<b>Bicycle Parking (Min.)</b>	3 spaces	<b>0 spaces (W)</b>
Driveway Width	24'-46'	24'
<b>Distance Between Driveways (Min.)</b>	50'	<b>40' (W)</b>
Loading Spaces (Min.)	1 space	1 space
Loading Space Dimensions (Min.)	12' wide by 50' long	<b>Applicant to Confirm</b>
<b>Loading Space Location</b>	Not occupy required front or side yard	<b>Within required front yard (W)</b>
Side Fence Height (Max.)	6'	5'
Site Tree Replacement (Min.)*	30 trees	12 trees**
<b>Waiver (W)</b> *See tree removal and replacement discussion below **The Applicant proposes to provide funding to the Tree Planting and Preservation Fund for the additional 18 trees that are required in accordance with the Ordinance which states, "If the site cannot accommodate the number of trees hereby required as replacement, the developer shall be required to contribute to a special fund, to be known as the "Tree Planting and Preservation Fund," in the sum of \$500 per tree; provided, however, that if a tree to be removed is a protected tree, the amount of the contribution shall be determined by the Superintendent of Public Works. Such determination shall be based upon the value of the tree, calculated by the methodology adopted in the Township of Cranford's Community Forestry Management Plan."		

## V. PLANNING COMMENTS

### A. Use + Operation:

1. The Applicant should provide an overview of the existing and proposed conditions, development timeline, appropriateness of this use on this Site, 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 non-permitted use and other conditions.
2. The Applicant will require a d(1) use variance from §255-36.D(1) to permit a Mikvah use in the C-1 Zone. Testimony should be provided regarding the impact upon the zoning ordinance with respect to the zone district. 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 non-permitted use, intensity, associated traffic, and public realm enhancement in relation to the surrounding uses and consistency with the Master Plan.
3. Due to the change of use to a new non-permitted use and the increased intensity of the Site, the Applicant requires bulk variances for all existing non-conforming conditions such as lot area, lot width, front yard setback, side yard setback (south), side yard setback (combined), and rear yard setback. Compliance with the bulk standards of the C-1 Zone should be considered as it is a relevant part of site suitability, and testimony should be provided from the Applicant.
4. Testimony should be provided regarding the proposed non-permitted use on the Site and the operation, specifically:

- a. Hours of operation and if scheduling will be done by appointments.
- b. Number of employees (total and daily, per shift).
- c. Anticipated number of customers.
- d. Use of the basement.

**B. Parking, Loading + Circulation Comments:**

1. The Ordinance does not provide a parking calculation specific to Mikvah uses, but states that the requirement shall be determined by the Board based on industry standards. The Applicant has evaluated the following parking requirements for consideration and comparison:
  - a. Health care facility or clinic: 1 space for each 200 square feet of net floor area = 18 spaces minimum
  - b. Gym: 1 for each 150 square feet of net floor area = 23 spaces minimum
  - c. Retail service: 1 for each 250 square feet of net floor area = 14 spaces minimum
  - d. Place of worship, community building, social hall and place of public assembly: 1 for each 3 seats, or 1 for each 72 inches of seating space when benches rather than seats are used; where the specific amount of seating is undetermined, then 1 parking space shall be required for each 25 square feet of assemblage area = 74 spaces minimum

The Applicant should provide testimony regarding the industry parking standard for this type of use. If no industry standard can be determined, we recommend a parking requirement of 1 parking space for each 200 square feet of net floor area. This requirement is derived from calculating the average of the health care facility, gym, and retail service parking requirements, which seem comparable to this type of use and operation.

2. The Applicant should provide testimony to explain their parking strategy, considering the following:
  - a. Anticipated number of trips and parking space designation for customers and employees.
  - b. Traffic impact and circulation comparison with the existing use.
  - c. Availability of on-street parking spaces.
3. The Applicant should provide an overview of all deliveries and pickups on site. Specific attention should be given to the frequency of deliveries, type/size of delivery truck, and expected timing of loading access and deliveries. The Applicant should confirm the size of the loading space, where a minimum 12' wide by 50' long is required. Design waiver relief should be requested if the Applicant cannot comply with this requirement.
4. The Applicant requires design waivers for parking area right-of-way setback, distance between driveways, and loading space location. Testimony should be provided regarding if any alternate conforming configurations have been considered, as it relates to site suitability.
5. The Applicant requires a design waiver for parking space width. We offer concern regarding the undersized parking spaces, lack of turnaround space towards the rear of the Site, and potential conflict with the parking space closest to the refuse area, and would support reconfigurations that provided easier turning movements and vehicle access. At a minimum, we recommend that hairpin striping be employed in lieu of a single stripe to help mitigate this narrow spaces waiver.
6. The Applicant shall provide testimony regarding waste management, waste removal and waste removal truck circulation, as well as the frequency and method of waste removal.

7. The Applicant is required to provide a minimum of three bicycle parking spaces, and the Applicant has requested a design waiver for this standard. Testimony should be provided in support of that.
8. The Applicant should confirm ADA compliance for parking and building access.
9. 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.
10. The Applicant should provide testimony regarding emergency vehicle access, and how snow removal will be handled.
11. We defer comments related to the proposed curb cut, driveway apron, and sidewalk improvements within the right-of-way remain to the Board Engineer.
12. We defer all other comments regarding parking, loading, and circulation to the Board Engineer.

**C. Landscaping, Stormwater Management + Drainage Comments:**

1. The Applicant should provide an overview of all existing and proposed landscaping and stormwater management improvements to the Site.
2. The Applicant should consider additional landscaping to offset the required deviations from the Ordinance and improve site suitability related to a non-permitted 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 site buffering and the screening of the proposed parking area:
  - a. *All open areas not utilized for parking areas, driveways, streets or roads, recreational facilities, patios or terraces shall be provided with lawns or other suitable growing ground cover, trees and shrubs. Continuous evergreen screening may be required along the tract boundary line, such screening to be no less than four feet high when planted. In addition, the Planning Board may, if conditions warrant, require supplemental screening by a solid fence up to six feet in height. Shade trees shall be provided along walks, driveways, parking areas, streets and roads. Screening or buffers, consisting of berms, fencing and/or landscaping, may be required around recreation, parking, utility and refuse disposal areas and around other similar areas at the discretion of the Planning Board. All landscaping shall be maintained in good condition and shall be replaced where necessary. Where yards, patios and gardens in multifamily developments are shielded with masonry walls, such walls shall conform architecturally to and be of similar materials as the principal buildings in the development.*
  - b. *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%.*
  - c. *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.*
3. The Applicant proposes to remove 5 trees on the Site, which have the following replacement ratios per Ordinance Section 255-26.N:

- a. 1 tree removed with a diameter of between 6 and 12 inches = 3 new trees required;
- b. 2 trees removed with a diameter of between 12 and 18 inches = 8 new trees required;
- c. 1 tree removed with a diameter of between 24 and 30 inches = 7 new trees required; and
- d. 1 tree removed with a diameter of 36 inches = 12 new trees required.

The Applicant is required to provide 30 new trees; however, the Applicant only proposes 12 new trees. The Applicant has noted on the plan that "A donation will be made for the equivalent of 18 additional trees."

Per Ordinance Section 255-26.N(3), *"If the site cannot accommodate the number of trees hereby required as replacement, the developer shall be required to contribute to a special fund, to be known as the "Tree Planting and Preservation Fund," in the sum of \$500 per tree; provided, however, that if a tree to be removed is a protected tree, the amount of the contribution shall be determined by the Superintendent of Public Works. Such determination shall be based upon the value of the tree, calculated by the methodology adopted in the Township of Cranford's Community Forestry Management Plan. The Tree Planting and Preservation Fund shall be used by the Township for the planting of trees in the Township with the goal of replacing trees removed. The fund shall be administered by the Township Treasurer and Township Administrator with advice from the Superintendent of Public Works."*

The Board and Applicant should discuss the applicability of this Ordinance standard and if the Site can or cannot accommodate another 18 trees. Based on the proposed landscaping plan, it appears that there is sufficient space for additional trees, and compliance with the minimum required number of trees is preferred as it lends to site suitability.

Typically, full perimeter buffering should be provided along all property lines help mitigate impacts to the adjacent properties, especially for nonpermitted uses. However, given the nature of the surrounding commercial uses, we recommend landscape enhancement and trees be focused around the parking lot and in the front yard.

- 4. The Applicant should provide tree protection fencing for all existing trees to remain on the Site, and details of such should be provided on the plan.
- 5. The Applicant should confirm that all headlight glare from cars in the parking area will be adequately screened.
- 6. The Applicant proposes a 5' tall PVC fence along the northern side property line and around the dumpster. The Applicant should identify the fence color on the plans. We recommend a color that complements the principal structure.
- 7. We offer concern regarding the location of the two infiltration basins, especially as they're located near where pedestrians will traverse which may cause safety issues. Testimony should be provided regarding if there is an alternate location for these basins. How the basins will be landscaped to appear as an amenity instead of a utility should be discussed.
- 8. We defer to the Board Engineer for all other comments regarding grading, drainage, stormwater management, and soil erosion and sediment control.

**D. Architecture, Lighting + Utility Comments:**

1. The Applicant should specify and provide testimony to all building façade materials, colors, and overall details of design, relative to the Site and surrounding character. Given the use variance requested, and condition of the existing house, renderings of each facade and the proposed colors and materials should be presented to show how the site will be upgraded, converted to commercial use, and meet the intent of the Master Plan goals and the design standards of the ordinance.
2. The Applicant should provide an overview of all existing and proposed lighting and utility improvements to the Site.
3. The Applicant requires a design waiver for parking area lighting where the lighting level at any property line shall not exceed 1.5 footcandles, but 2.67 footcandles is proposed at the front property line. The Applicant should make best efforts to reduce all lighting spillover, especially along the front and northern side yards.
4. The Applicant proposes lighting fixtures with a color temperature of 3,500K. All site lighting should be provided at maximum 2,700K.
5. Lighting should be provided for the rear building egress near the back porch and bilco door. This is necessary as it relates to safety and ordinance compliance and should be provided on a revised lighting plan. Additionally, the Applicant should update the elevation plans to show the proposed building-mounted lights.
6. Testimony should be provided regarding the utility improvements proposed within the Commerce Drive right-of-way. Off-site improvements will require Township approval.
7. We defer to the Board Engineer for all other comments regarding utilities, safety, and noise generation.


**E. 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 design standards table. 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, AICP, PP  
Board Planner

# Appendix

Site Photos (October 18, 2023):

